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ABSTRACT

This training model is designed to assist education personnel and interested citizens in the implementation of Title IX of the Education Amendments of 1972 and the attainment of sex equity in education. Workshop sessions are designed for administrators, Title IX coordinators, school board members, teachers, counselors, vocational education personnel, physical education and athletics staff, and community group members. The preliminary pages of the manual provide session specifications covering participants, objectives, time required, facilitators, facilities, group size, equipment and supplies, materials needed, and preparation needed, as well as resources available from the Colorado Department of Education, a key to the drawings used in the manual, session agenda, opening comments, and procedure. Following this, four activities are described: (1) "The Sex Equity Quotient (SEQ) Test"; (2) "The School and the Laws"; (3) "Differential Sex-Role Socialization"; and (4) "Vehicles of Sex-Role Socialization." Appendices include an answer sheet for case examples; Title IX of the Education Amendments, a summary of the implementing regulation; and "What Title IX Means and Doesn't Mean for Schools." (IS)

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TITLE IX FOR SEX EQUITY

Trainer Manual

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DENVER 1978

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TRAINER MANUAL

TITLE IX FOR SEX EQUITY

Prepared by
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April, 1979

Adapted/Adopted
From the materials prepared for the
Council of Chief State School Officers'
Title IX Equity Workshops Project
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PREFACE

The Title IX/Sex Equity training model is designed to assist education personnel and interested citizens in the implementation of Title IX of the Education Amendments of 1972 and the attainment of sex equity in education. The training model was utilized and tested in twenty regional workshops by the Council of Chief State School Officers' (CCSSO) Title IX Equity Workshops Project. This project was funded under contract 300-76-0456 with the Women's Program Staff, U.S. Office of Education.

The training model is designed for all persons who have the opportunity to work with any persons interested in Title IX. Workshop sessions are provided for the following groups:

- Administrators, Title IX coordinators, and school board members
- Instructional personnel
- Counseling and pupil services personnel
- Vocational education personnel
- Physical activities personnel (physical education and athletics staff)
- Community group members

The session outlines and materials were originally developed by Martha Matthews and Shirley McCune. Martha Matthews' time was partially supported by funds provided by the Ford Foundation. Shirley McCune and Martha Matthews are co-editors of the training model.

Adaptations in the training materials for Colorado school districts were made by Dr. Martha Fair, Sex-Equity Supervisor for the Colorado Department of Education, and Linda S. Doyle, Consultant. The art work and cover design were done by John Rainey, Media Consultant. Annette Ryan typed and edited the manuals.

Title IX Sex Equity Staff
Equal Education Services Unit
Colorado Department of Education
April, 1979

SESSION SPECIFICATIONS

The Context of Title IX

Session Participants:

Local education agency staff including administrators, Title IX coordinators, instructional staff, counselors and student personnel workers, vocational education personnel, and physical education and athletics staff; school board members, and representatives of community groups.

Session Objectives:

To provide participants with an opportunity to assess their awareness of differential treatment of males and females in their schools and to assess the impact of Title IX on the reduction of such differential treatment

To provide participants with a review of the legal context of Title IX, an overview of Federal antidiscrimination laws, and the opportunity to assess their skills in identifying discrimination in schools

To provide participants with an understanding of differential sex-role socialization as it is manifested in schools

To encourage participants to identify goals for nonsexist education

Time Required:

Four hours

(see p.viii,"How can the workshop activities and sequence be adapted to fit shorter periods of time?")

Facilitators Required:

Although the session may be conducted by a single person, it is preferable in most cases to share responsibilities among several persons (female and male) who possess both subject matter expertise and group process skills, and who represent racial-ethnic diversity.

Group Size:

Flexible

Facilities Required:

Meeting room to accommodate expected number of participants; moveable tables and chairs to facilitate small group work.

Equipment and Supplies Required:

Overhead projector and transparencies, chalkboard and chalk, or newsprint and marker; pencils for each participant.

Filmstrip projector, cassette tape player, viewing screen.

Materials Needed:

For participant use:

Sex Equity Quotient Test (Participant Worksheet 1)

Federal Laws and Regulations Concerning Discrimination in Educational Institutions (Activity 2 Chart)

Identifying Discrimination--Case Examples (Participant Worksheet 2)

The Story of Pat (Participant Worksheet 3)

Counselor/Student Role Play (Participant Worksheet 4)

Answer Sheet for Case Examples (Appendix A)

Title IX of the Education Amendments of 1972--A Summary of the Implementing Regulation (Appendix B)

"What Title IX Means--and Doesn't Mean--for Schools" (Appendix C)

For facilitator use:

Charts on newsprint, acetate or chalkboard:

"Summary of Federal Antidiscrimination Laws"

"Questions on Socialization"

"Five Changes in the Lives of Women Since 1900"

"Vehicles of Sex Role Socialization in Schools"

Filmstrips:

"Title IX in the Schools"

"Cinderella Is Dead!"

Facilitator Preparation Required:

The facilitator(s) should:

Thoroughly review this outline, all participant materials, and any media materials to be used.

Prepare a Session Agenda which reflects any adaptations made to the session activities. Use the Session Agenda to help in the planning.

Review suggested lectures and adapt them to accommodate unique group needs of facilitator(s) style(s):

"Opening Comments" 20 minutes

"Introductory Remarks" 5 minutes

"The Legal Context of Title IX--The School and the Laws" 10 minutes

"Differential Sex Role Socialization" 15 minutes

"Vehicles of Sex Role Socialization in Schools" 10 minutes

Prepare charts (on newsprint, acetate transparency, or chalkboard) as identified in "Materials Needed" listing of these Session Specifications.

Suggestions:

How can the workshop activities and sequence be adapted to fit shorter periods of time?

Although the session outline is designed for implementation in a four-hour period, it is recognized that it may be necessary to modify the session for implementation in a shorter period of time. When this is necessary, the facilitator(s) should review the objectives of each suggested activity carefully before making a decision about which activities would be most appropriate. If this modification is necessary, the facilitator(s) should consider the following:

A. Carefully review the sequence and the build-up activities provided in the session outline. Each session outline has been developed to include each of the following components:

Needs assessment activity/exercise--Session outlines begin with an introductory activity which can involve the group in the session, allow individuals to express initial concerns and provide the facilitator with general information about the perceptions and experience of the group. This initial experience is a key method of judging the specific needs of the group and estimating the optimal pacing of the session activities.

Cognitive activities--Each session outline includes a lecture(s) to introduce new concepts and activities. These are designed to increase participants' understanding of particular problems related to sex equity and of the steps to be taken and the principles to be followed in achieving sex equity. The amount of information provided in a lecture can be reduced if the group has had previous exposure to the concepts being presented. Even with experienced groups, however, it is useful to provide a summary of the key points included in the lecture to ensure that all members of the group have a common frame of reference for subsequent activities.

Experiential activities--These activities provide an opportunity for participants to apply the concepts presented in cognitive activities to situations in educational practice. The purpose of these activities is to help participants assess for themselves the implications of the information presented for day-to-day activities.

Skills practice activities--Each session outline includes a number of activities which are designed to give participants an opportunity to practice some of the skills which are necessary for the application of sex equity principles and to obtain immediate feedback regarding their efforts.

Action-planning activities--Each session outline encourages participants to begin to identify specific steps which they or their education agency can take to promote full implementation of Title IX and/or to attain sex equity in their activities. These action-planning steps are crucial to the application of the information provided in the workshop package. They should not be eliminated and, in fact, wherever possible, it would be desirable to expand the amount of time devoted to action planning. This is particularly relevant when participants work together in the same education agency.

In most cases, it is desirable to reduce the amount of time devoted to each of the various types of activities provided rather than to omit any of the major components of the session outline.

B. Provide participants with reading materials prior to the workshop session.

If the workshop time is limited, it may be possible to reduce the amount of time devoted to the workshop activities by providing participants with materials which can be read prior to the implementation of the workshop. If the facilitator believes that this is desirable, a summary of the information provided in the lecture or information sheet may be distributed to participants prior to the workshop.

C. Reduce the amount of time spent on exercises and worksheets.

One way the timelines for the session can be cut is to ask the participants to consider only a limited number of cases or situations presented in their worksheets, suggesting that others be completed some time after the workshop. (If this is done, the facilitator should make certain to explore those items selected for use in the group in sufficient detail to clarify for participants the basic principles reflected in the worksheet.) In all instances, the facilitator should emphasize ways in which the participant materials may be used after the workshop.

What guidelines should be observed by facilitators throughout the workshop?

Workshops dealing with sex equity often involve participants in a questioning of some of their earliest learnings and most basic beliefs and assumptions. Individuals dealing with these issues may have negative feelings about changing roles of males and females in our society and experience fear or anger about sex equity efforts in education. It is critical that workshop facilitators understand that these reactions are to be expected and how to handle them in positive ways. Some suggestions for dealing with possible resistance or rejection of the ideas covered in the workshop are outlined below.

Workshop facilitators should:

A. Remember that change in knowledge, attitudes, and skills requires time and continued support. Each person must move through a process of exploring, understanding, and acting on new ideas before they can be accepted. Rejection of ideas presented in the workshop should not be interpreted as a personal rejection of the presenter.

B. Work to provide continuing support to participants even when they are met by disagreement and/or resistance. Responses to be avoided by workshop personnel include:

   Defensiveness--the expression through words or behaviors that a facilitator or resource person feels as if an attack has been made against her/his personal ability or adequacy. Workshop personnel should try to maintain an open attitude and deal with the ideas presented by the participant rather than the internal feelings that these ideas may create.

   Rejection of the group--the categorization of an individual or group as "hopeless". One of the ways that facilitators may deal with persons who disagree is to reject them. It is important that workshop leaders maintain communication with all participants and continue to work through the feelings and ideas presented.

Future predictions--statements to an individual or the group such as, "I'm sure you'll eventually see it my way". Although it is quite likely that many who reject ideas presented in workshops will change over a period of time, it is not helpful to dismiss the issues being considered by making future predictions.

Avoidance of the issues--dropping relevant controversial issues before they have been considered. Avoiding open consideration of possible implications of the Title IX regulation through a comment such as, "There's really no need for major changes in most programs", does not contribute to participant learning or problem solving. Workshop facilitators should anticipate some of the controversial questions or concerns which are likely to be raised and be prepared to deal with them, if only by admitting uncertainty and a willingness to help participants obtain assistance from other sources.

Overcontrol of the participant group--pressing the group ahead regardless of their present needs or ability to deal with some of the issues. Overscheduling a workshop agenda so that time is not available for clarification questions or for consideration of the implications of the information in small group discussion is one way to overcontrol the participant group. Workshop plans must include time to ensure that participants have the opportunity for initial exploration and evaluation of the information presented.

C. Work to maintain a climate where participants' questions, feelings, and opinions can be expressed and considered. Maintain a nonjudgmental approach toward the expression of feelings or opinions which differ from those being expressed in the workshop.

D. Provide participants with concrete information and materials whenever possible. Much of the resistance to accepting change occurs when people do not understand the rationale for change and the specific steps that must be taken in implementing change. It is essential that participants be given opportunities to identify specific directions for change, to develop the necessary skills for change, and to receive support and assistance during this process.

RESOURCES AVAILABLE
from the Colorado Department of Education

Available for Loan from the Colorado Department of Education:

FILMSTRIPS

"American Women Search for Equality", Current Affairs, March, 1973

* "Cinderella Is Dead!", National Education Association

"Identity Female: A Program Review, Dun-Donnelly Publishing Corporation, 1975

* "Title IX in the Schools", Claremont Educational Resources

"The Labels and Reinforcement of Sex Role Stereotyping", National Education Association

FILMS

"Sex Role Development", McGraw-Hill, 23 minutes (colcr)

** "An Equal Chance Through Title IX", 25 minutes

Available for Loan from the Colorado State Library:

FILMS

"Choosing Changes", Agency for Instructional Television, 15 minutes (color)

"Different Folks", Agency for Instructional Television, 15 minutes (color)

"Prejudice: Causes, Consequences, Cures", Contemporary/ McGraw-Hill, 1977, 23 minutes (color)

For information about borrowing any of the materials listed, contact:

Sex Equity Staff
Colorado Department of Education
201 East Colfax Avenue
Denver, Colorado 80203
(303) 839-2166

RESOURCES AVAILABLE

(continued)

*To be used with the training materials entitled, "Title IX for Sex Equity"

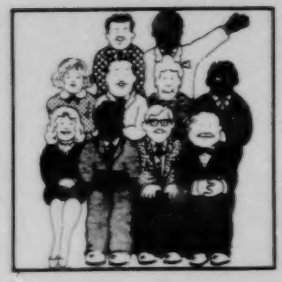
**To be used with the training materials entitled, "Achieving Sex Equity in Physical Education" and "Achieving Sex Equity in Athletics"

KEY TO DRAWINGS

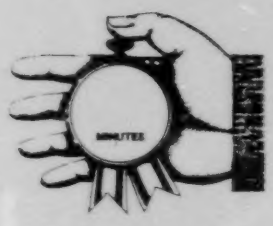
DRAWING 1: HIP-O-NINER depicts a hippopotamus cheerleader wearing a "IX" on its jersey. This drawing accompanies any page with the heading OPENING COMMENTS or PROCEDURE. It also accompanies the sections on "Suggested Lecture" and "Workshop Summary and Evaluation".

DRAWING 2: INDIVIDUAL ACTIVITY depicts a person writing alone at a desk. This drawing is displayed on Participant Worksheets 1, 2, and 3. It also accompanies the sections on "Individual Activity".

DRAWING 3: SMALL GROUP DISCUSSION depicts six people (of both sexes and several ethnic backgrounds) standing in a circle. This drawing is displayed on Participant Worksheet 4. It also accompanies the sections on "Small Group Discussion" and "Small Group Activity".



DRAWING 4: LARGE GROUP DISCUSSION depicts ten people (of both sexes and several ethnic backgrounds) sitting or standing in three rows. This drawing accompanies the sections on "Large Group Discussion", "Filmstrip", and "Questions and Answers".



DRAWING 5: TIME DESIGNATION depicts a hand holding a stop watch which displays the number of minutes needed for each activity. This drawing accompanies the first page of each activity, as well as the heading OPENING COMMENTS on page xiv.

SESSION AGENDA

Opening Comments (20 minutes)

Activity I: The Sex Equity Quotient Test

A. Introductory Remarks (5 minutes)
B. Individual Work: The SEQ Test (10 minutes)
C. Large Group Discussion (15 minutes)

Activity 2 : The School and the Laws

A. Lecture: The School and the Laws (10 minutes)
B. Filmstrip: "Title IX in the Schools (10 minutes)
C. Individual Work: Identifying Discrimination--
Case Examples (10 minutes)
D. Small Group Discussion (20 minutes)
E. Large Group Discussion (15 minutes)

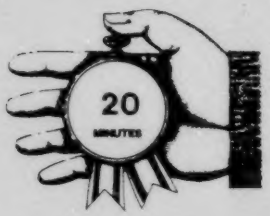
Activity 3: Differential Sex-Role Socialization

A. Filmstrip: Cinderella Is Dead!" (10 minutes)
B. Large Group Discussion (10 minutes)
C. Lecture: Differential Sex-Role Socialization
(15 minutes)
D. Questions and Answers (5 minutes)
E. Individual Activity: The Story of Pat (10 minutes)
F. Large Group Discussion (10 minutes)

Activity 4: Vehicles of Sex-Role Socialization

A. Lecture: Vehicles of Sex-Role Socialization
(10 minutes)
B. Small Group Activity: Counselor/Student Role Play
(15 minutes)
C. Large Group Discussion (15 minutes)
D. Workshop Summary and Evaluation (10 minutes)

OPENING COMMENTS



Purposes of the Activity:

To provide participants with an overview of the workshop purposes, the workshop objectives, and the workshop agenda

To introduce to participants the group or organization implementing the workshop, the workshop leaders, and other key individuals

To introduce participants to the Participant Workbook and to its uses during and after the workshop

Materials Needed:

For participant use:

Session Agenda (Prepared by the Trainer for this session)

Session Objectives (Participant Workbook)

For facilitator use:

None

Facilitator Preparation Required:

Thoroughly review the total session outline and participant materials

Prepare opening comments

PROCEDURE

The purpose of "Opening Comments" is to provide participants with an overview of the purposes of the workshop, the sponsorship of the project, the organization of workshop sessions, and the objectives of this session.

The session may begin with introductions and greetings, Any necessary housekeeping announcements--restroom locations, scheduling of refreshments, availability of materials, etc.--should be covered at this time.

The opening comments may take any form or sequence which is appropriate to the session, but the facilitator should make certain that the following points are covered:

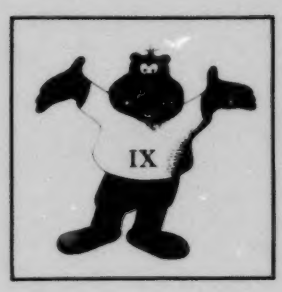
The importance of Title IX implementation and the attainment of sex equity needed to improve the quality of education in Colorado

The general purposes of the session

The session agenda, objectives, and activities

The purposes and use of the Participant Workbook

The importance of participant evaluation of the session



Some opening comments which may be useful are suggested below:

"This workshop is being conducted by (name of trainer) as a part of a nationwide project directed toward the implementation of Title IX of the 1972 Education Amendments and the attainment of sex equity in education.

Before we move into some individual and group activities and begin the 'work' of the session, we would like to review the objectives of this session:

To provide participants with an opportunity to assess their awareness of differential treatment of males and females in their schools and to assess the impact of Title IX on the reduction of such differential treatment

To provide participants with a review of the legal context of Title IX, an overview of Federal antidiscrimination laws, and the opportunity to assess their skills in identifying discrimination in schools

To provide participants with an understanding of differential sex-role socialization as it is manifested in schools

To encourage participants to identify goals for nonsexist education

At this point the facilitator should ask for and answer any questions participants may have about the session content or format.

ACTIVITY

1

IDENTIFYING AND ALLEVIATING SEXISM IN EDUCATION

Activity Agenda:

A. Introductory Remarks (10 minutes)
B. Individual Work: The Sex Equity Quotient (SEQ) Test (10 minutes)
C. Small Group Discussion (15 minutes)

Purposes of the Activity:

To assess participants' awareness of the manifestations of sexism and sex differentiation within education agencies/institutions and the world of work

To identify participants' perceptions of the past and potential contributions of Title IX to the elimination of sexism and sex differentiation in the policies, programs, and practices of these institutions

To establish active individual involvement and group sharing

To establish the application of workshop concerns and information to personal and institutional self-evaluation and change

Materials Needed:

For participant use:

Sex Equity Quotient (SEQ) Test (Participant Worksheet 1)

For facilitator use:

Sex Equity Quotient (SEQ) Test (Answer Sheet in Trainer Manual)

Facilitator Preparation Required:

The facilitator(s) should:

Thoroughly review the total session outline and participant material

Review suggested comments and adapt them to fit unique group needs and facilitator style

PROCEDURE

A. Introductory Remarks (5 minutes)

Activity 1 should be introduced with comments such as the following:

"Most of us come to this workshop with different perceptions, ideas, or experiences relating to Title IX and to the general issue of sexism in education. Before we discuss specific Title IX provisions and compliance activities, it is useful for us to spend a few minutes examining our own ideas, experiences, and awareness of sexism in education and the world of work, and to share some of them with others in the group. This will provide each of us with a valuable base from which to consider the need for Title IX requirements.

Each of you has in your notebook a sheet entitled 'The Sex Equity Quotient (SEQ) Test'. Please take about ten minutes to answer the questions listed. Please work independently; you will have a chance to discuss your responses in a few minutes."

B. Individual Work: The Sex Equity Quotient (SEQ) Test (10 minutes)

The facilitator should make sure all participants have found a copy of the Sex Equity Quotient Test (Participant Worksheet 1) in their materials, ask if there are any questions, and make sure that all participants have a pencil or pen. S/he should also provide any clarifying instructions which may be appropriate. Participants should be allowed approximately 10 minutes to answer the questions on the worksheet.

C. Small Group Discussion (15 minutes)

After the participants have had an opportunity to complete their answers, the facilitator should allow approximately 15 minutes for participants to share and discuss their answers with the entire group.

Group discussion may be initiated by saying simply, "All right, we'll take a few minutes now to discuss the answers. Circle the answers you may have missed as we go along."

The questions can then be discussed one at a time. Participants should be provided with the correct answers while discussing each question. The completed Sex Equity Quotient Tests should be saved by participants for future reference.

Participant
Worksheet 1

SEX EQUITY QUOTIENT (SEQ) TEST

1. Title IX of the Education Amendments of 1972 requires:
   a. that equal amounts of money be spent for both males and females.
   b. that specific textbooks and materials be prohibited.
   c. that equal educational opportunities be provided in all school programs.

2. Research indicates that male and female counselors:
   a. do not hold differential perceptions of appropriate academic choices for most females.
   b. apply traditional role stereotypes to both college and non-college bound females.
   c. use sex-bias free instruments in the counseling process.

3. An anlysis of athletic budgets in secondary programs indicates that the ratio of expenditures for females to males approximates _____.
   a. $2/$5 b. $1/$10 c. $1/$50

4. A 1970 study indicated that of the nation's 17,000 school districts, only _____ offered pregnant students any educational services at all.
   a. one-half b. one-fourth c. one-third

5. Though young males and females share fairly equal scholastic understanding in math, science, and social studies, by age 13 _____.
   a. females show a decline in performance that continues through adulthood.
   b. males show a slight advantage over females.
   c. males consistently outperform fenales.

6. While 20% of the 38 million women who work do so for personal and psychological fulfillment, _____ of all working women do so because of financial need.
   a. 80% b. 65% c. 75%

7. The annual median income for families headed by males was $12,965, while that for families headed by females was _____.
   a. $5,797 b. $3,724 c. $7,808

Colorado Department of Education, 1979

8. The median income of working women with four years of college is _____ that of men who have completed eight years of elementary school.

a. more than b. the same as c. less than

9. For every $1.00 men earn, women earn _____.

a. 95¢ b. 76¢ c. 57¢

10. Husband and wife both work in _____ of the nation's 56.7 million marriages.

a. 35% b. 47% c. 65%

11. _____ percent of young women currently in high school will eventually work outside of the home.

a. 90% b. 55% c. 40%

12. One professed reason for paying women less than men is that men have families to feed while women work only to supplement family income. Of the women who work, one in _____ is the sole support of the family.

a. 25 b. 8 c. 3

13. The Department of Labor reported in 1975 that the median wage for women was _____ less than the median wage for men doing the same work.

a. 20% b. 30% c. 43%

14. The average woman in the labor force has completed a median of 12.5 years of school. The median years of schooling for males is _____ that of women.

a. more than b. the same as c. less than

15. The cost of raising one child from 0-18 years, excluding a college education, is _____.

a. $55,000 b. $25,000 c. $35,000

SEQ SCALE

ode

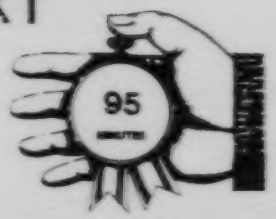
13-15 correct	Very Good SEQ	7-9 correct	Fair SEQ
10-12 correct	Good SEQ	0-6 correct	Need remedial Sex Equity Class

Title IX - Sex Equity Supervisor
Dr. Martha H. Fair

ACTIVITY

2

THE LEGAL CONTEXT OF TITLE IX



The School and the Laws

Activity Agenda:

A. Lecture: The School and the Laws (10 minutes)
B. Filmstrip: "Title IX in the Schools" (10 minutes)
C. Individual work: Identifying Discrimination--
   Case Examples (10 minutes)
D. Small Group Discussion (20 minutes)
E. Large Group Discussion (15 minutes)

Purposes of the Activity:

To provide an overview of the range of Federal antidiscrimination laws affecting education agencies and institutions

To provide participants a legal context for considering Title IX as it relates to other Federal antidiscrimination laws

To review Federal laws prohibiting racial and ethnic discrimination in schools and to reinforce efforts for their implementation

To provide participants an opportunity to assess their skills in the recognition of illegal discrimination in education policies, program, and practices and in the identification of Federal laws which apply to various discriminatory situations

Material Needed:

For participant use:

Federal Antidiscrimination Laws in Educational Institutions (Activity 2 Chart)

Identifying Discrimination--Case Examples (Participant Worksheet 2)

Identifying Discrimination--Analyses of Case Examples (Participant Appendix A)

Title IX Summary of the Implementing Regulation (Participant Appendix B)

For facilitator use:

(Optional) A chart (on newsprint, acetate transparency, or chalkboard) containing information on the following two pages.

Activity 2 Chart

FEDERAL LAWS AND REGULATIONS CONCERNING DISCRIMINATION IN EDUCATIONAL INSTITUTIONS

Legislation	Title IX of the Education Amendments of 1972	Title VI of the Civil Rights Act of 1964
What is Covered	All educational institutions receiving federal monies	All institutions receiving federal monies
What is Prohibited	Discrimination against students or others on the basis of sex	Discrimination against students or others on the grounds of race, color, or national origin
Which Agency Enforces	U.S. Office for Civil Rights 1961 Stout Street Denver, CO. 80294 (303) 837-2025	U.S. Office for Civil Rights Elementary and Secondary Education Branch 1961 Stout Street Denver, CO. 80294 (303) 837-2991

Title VII of the Civil Rights Act of 1964	Equal Pay Act of 1963	Executive Order of 11246
All institutions with 15 or more employees	All institutions	All institutions with federal contracts over $10,000
Discrimination in employment based on race, color, religion, national origin, sex	Discrimination in salaries on the basis of sex	Discrimination in employment based on race, color, sex, religion, national origin
Equal Employment Opportunity Commission 1845 Sherman Street Denver, CO. 80203 (303) 837-3668	U.S. Department of Labor Wage and Hour Division 228 New Customs House 19th and Stout Streets Denver, CO. 80294 (303) 837-4405	U.S. Department of Labor Office of Federal Contract Compliance 1961 Stout Street Denver, CO. 80294 (303) 837-5011

For facilitator use (continued):

Filmstrip: "Title IX in the Schools"

Filmstrip projector, cassette tape player, viewing screen

Facilitator Preparation Required:

The facilitator(s) should:

- Thoroughly review the total session outline and participant outlines
- Review suggested lecture and adapt it to accommodate unique group needs and facilitator style
- Review chart on "Summary of Federal Antidiscrimination Laws"
- Arrange for necessary audio/visual equipment for filmstrip
- Preview filmstrip

PROCEDURE

A. Lecture—The School and the Laws (10 minutes)

The purpose of this activity is to provide participants with an overview of Federal antidiscrimination laws and their relationship to school programs and Title IX. Before beginning the lecture for this session, the facilitator should make sure that the chart entitled, "Summary of Federal Antidiscrimination Laws" is available for display and/or reference at the appropriate time during the lecture.

Suggested Lecture

"In the opening assessment activity, we focused generally on issues related to sex differentiation and sex equity in education and the world of work and on issues related to the progress made and the problems remaining in the Title IX implementation. In most of the activities throughout the workshop, we will be dealing very specifically with Title IX requirements for nondiscrimination on the basis of sex and with their implications for our institutional and individual programs and behaviors.

"Before we move to an in-depth consideration of Title IX, however, it is important that we review other Federal antidiscrimination requirements relevant to education. Title IX is not an isolated requirement recently imposed on education agencies and institutions and soon to be forgotten. It is rather the most recent of a series of Federal statutes designed to increase equality of opportunity in education institutions. Since the 1954 Supreme Court decision regarding Brown v. The Board of Education, Federal and State legislatures, the courts, our education systems, and the society at large have been involved in continuing efforts to identify and eliminate various forms of discrimination and to better define the nature of equal educational opportunity. Title IX is the result of our recent recognition of the fact that many education institutions discriminate against students and employees on the basis of sex. Earlier legislation was enacted to prohibit other forms of discrimination. It is important for several reasons that Title IX compliance efforts be considered in the context of this earlier legislation:

It is important that our efforts toward the implementation of these other laws be maintained.

These laws provide language and case law or legal precedent which influenced the Title IX legislation and its implementing regulations, and which will continue to affect future judicial interpretation of Title IX.

Familiarity with these other laws will enable us to recognize when efforts and programs directed toward Title IX compliance may be used to address other forms of discrimination and when separate programs are required to address unique needs related to a particular form of discrimination.

The four Federal antidiscrimination laws identified on the 'Summary' chart comprise the major antidiscrimination requirements which are relevant to local education agencies. These include:

Title VI of the Civil Rights Act of 1964

Title VI of the Civil Rights Act prohibits discrimination against students on the grounds of race, color, or national origin in programs receiving Federal funds. Title VI and related case law prohibit discrimination on the basis of race in student admissions, student access to courses and programs, and student policies and their application. (Title VI is the law underlying school desegregation efforts and efforts to provide bilingual instruction or some other method of comprehensive education for students of limited English speaking abilities.) Any institution or agency receiving Federal funds is covered by Title VI. Most education activities of a recipient agency or institution are covered, including activities or programs not in direct receipt of Federal funds. It was the language of Title VI which provided the model for Title IX.

Procedures for the filing of possible complaints of racial or ethnic discrimination are provided under the legislation. Such complaints should be filed with appropriate governmental agencies. Activity 2 Chart in your Participant Workbook specifies these agencies.

They are:

The Office for Civil Rights
U.S. Department of Health, Education, and Welfare
Washington, D.C. 20201

or

The Office of Civil Rights
U.S. Department of Health, Education, and Welfare
1961 Stout Street
Denver, CO. 80239
837-2991

Title VII of the Civil Rights Act of 1964
(as amended by the Equal Employment Opportunity Act of 1972)

Title VII of the Civil Rights Act prohibits discrimination in employment on the basis of race, color, religion, national origin, or sex. All institutions or agencies with 15 or more employees--including state and local governments and labor organizations--are covered under the amended Act. Title VII prohibits discriminatory practices in all terms and conditions of employment, including:

Recruitment, selection, assignment, trasfer, layoff, discharge and recall

Opportunities for promotion

In-service training or development opportunities

Wages and salaries

Sick leave time and pay

Vacation time and pay

Overtime work and pay

Medical, hospital, life, and accident insurance

Retirement plans and benefits

Other staff benefits

A substantial body of case law and legal precedent has been developed under Title VII; this provides many of our currently accepted standards for nondiscrimination in employment. Many of the provisions in the employment section of Title IX regulation are based on Title VII.

Complaints of employment practices which discriminate in violation of Title VII should be made to:

The Equal Employment Opportunity Commission (EEOC)
2401 E. Street, N.W.
Washington, D.C. 20037

or

The Equal Employment Opportunity Commission
1845 Sherman Street
Denver, CO. 80203
837-3668

In instances where state or local fair employment practices laws provide procedures for the handling of complaints of discrimination, the complaint may be referred to the state or local agency for a 60-day period. If the complaint is not resolved at this level, the EEOC assumes responsibility for investigation and conciliation. If this fails, the EEOC, the U.S. Attorney General, or the complainant may file suit.

The Equal Pay Act of 1963
(as amended by the Education Amendments of 1972)

The Equal Pay Act prohibits sex discrimination in salaries and most fringe benefits. All employees of education institutions and agencies, including those in professional, executive, and administrative positions, are covered by the Equal Pay Act.

The Act provides that a man and a woman working for the same employer under similar conditions in jobs requiring substantially equivalent skills, effort, and responsibility must be paid equally, even when job titles and assignments are not identical. Interpretations of the Equal Pay Act will influence interpretation of such issues under Title IX, whose regulation contains language similar to that employed in the Equal Pay Act.

Employers are required to maintain specified records relevant to the determination of possible violations of the law. Complaints may be filed with:

Employment Standards Administration
Wage and Hour Division
U,S, Department of Labor
Washington, D.C. 20210

or

U.S. Department of Labor
Wage and Hour Division
228 New Customs House
19th and Stout Streets
Denver, CO. 80294
837-4405

The complaint process provided under the Equal Pay Act is the simplest and most direct of all those mentioned in this review.

Title IX of the 1972 Education Amendments

Title IX prohibits discrimination on the basis of sex against students and employees of education programs and activities receiving Federal funds. Nearly all elementary, secondary, and postsecondary institutions are covered under this legislation. The Title IX regulation prohibits sex discrimination in such areas as:

Admissions to vocational, graduate, professional, and public undergraduate schools

Student access to courses and programs

Counseling and guidance--tests, materials, and practices

Physical education and athletics

Vocational education programs

Student rules and policies

Treatment of married and/or pregnant students

Financial assistance

Student housing

Extracurricular activities

Employment in education institutions

The regulation covering Title IX requires education agencies and institutions to develop grievance procedures for the local handling of complaints of discrimination. This procedure may be used, or complaints may be filed directly with:

The Office for Civil Rights (OCR)
U.S. Department of Health, Education, and Welfare
Washington, D.C. 20201

or

The Office for Civil Rights
1961 Stout Street
Denver, CO. 80239
837-2991

B. Filmstrip: "Title IX in the Schools" (10 minutes)

The purpose of this filmstrip is to provide an overview of what the Title IX regulations cover. The filmstrip also includes important dates that are deadlines set by the regulations. The facilitator should explain this purpose to participants and answer any initial questions. The filmstrip should then be shown.

C. Individual Work: Identifying Discrimination—Case Examples (10 minutes)

The facilitator should ask participants to take "Identifying Discrimination--Case Examples" (Participant Worksheet 2) from their materials. The activity may be introduced with comments such as:

"It is important that each of us know not only the general provisions of these Federal requirements, but also how to apply them to the evaluation of discrimination in education policies, programs, and practices.

"Each of you should have in your materials a copy of Participant Worksheet 2, entitled 'Identifying Discrimination--Case Examples.' Please take a few moments to read each example. Consider each one and determine whether you believe it is in violation of any of the Federal antidiscrimination requirements just reviewed. You may want to refer to the 'Summary' chart which is posted in the room, or to Activity 2 chart in your Participant Workbook. Write the number (e.g. Title VI, etc.) of the Federal law which you believe applies to each example in the space provided. We will have about ten minutes to work individually."

The facilitator should ask if there are any questions and provide any clarifying information which may be appropriate. Approximately ten minutes should be provided for individual review of the case examples.

D. Small Group Discussion (20 minutes)

After most participants appear to have completed their reviews, they should be instructed to form small groups of four or five persons and spend approximately 20 minutes discussing:

The law or laws applicable to each example

The critical factors indicating possible discrimination in each example

If it appears that participants may have difficulty completing the discussion during the time allotted, the facilitator may assign groups on one side of the room the odd-numbered cases and the groups on the other side the even-numbered ones, or assign examples 1-5 to some groups, and examples 6-10 to others, etc.

E. Large Group Discussion (15 minutes)

After the small group discussions have been completed, it is useful to spend approximately 15 minutes in review and clarification with the total group. The facilitator may ask members of the group to volunteer their comments on each of the examples. As each is discussed, it is important that the facilitator determine that the small groups have correctly identified the laws relevant to each example. When differences of opinion or confusion are evident, it is important that the facilitator highlight the factors which are critical to the identification of the relevant Federal requirements. The facilitator may wish to refer to "Identifying Discrimination--Analyses of Case Examples" for clarifying information. Before terminating the discussion, the facilitator should point out that the "Analyses" are provided in Appendix A of the participant workbook. They have been provided for future reference by participants.

If time permits, it may also be useful to encourage participants to consider whether there are similarities between the case situations and situations which the participants have observed. If this is done, workshop facilitators or resource persons should restrict their comments to information regarding the possibility of discrimination and refrain from other evaluation.

The workshop facilitator should close this activity by reminding participants that work remains in the implementation of each of these laws and that continuing efforts must be made to combat all forms of discrimination. As participants consider various perspectives and activities related to Title IX in the workshop sessions, they should attempt to identify similarities and differences between sex discrimination and racial-ethnic discrimination, and strategies or points for complementary action interventions.

Participant Worksheet 2

IDENTIFYING DISCRIMINATION-- CASE EXAMPLES

Please read through each of the examples provided below to determine the possible areas of discrimination or probable violations of Federal laws and regulations. Make a note of the Federal law(s) you believe is relevant to each example in the space provided.

Background Information

School District No. 41 is responsible for the elementary-secondary education of 7,200 students who attend eighteen elementary schools, six junior high schools, two high schools, and two vocational schools. The student population includes 1,600 Black students, 418 Spanish-speaking students, 23 Asian students, and 16 Native American students. The District employs 280 classroom teachers, counselors, and paraprofessional personnel. Eighty-two percent of the elementary school staff and 48 percent of the secondary staff is female. There are four minority teachers and 12 minority paraprofessional staff members in the District.

The central administrative staff is headed by a team of six males, none of whom is a member of a racial or ethnic minority group. None of the principals in the District is minority or female, but two minority males have recently been promoted to assistant principal positions and one female has been included in an administrative internship program provided by the District.

Example 1

Ms. Chin, a female of Oriental descent, is a counselor in one of District 41's secondary schools, and has been employed by the District for the past eight years. As a

classroom teacher she compiled an outstanding performance record. She completed a master's degree in the field of counseling and has consistently received outstanding ratings for her performance as a counselor. Recently she has completed a second master's degree, this one in the field of school administration, and obtained a state credential for an administrative position.

This year Ms. Chin applied for a position of Assistant Principal at East High School. A male guidance counselor and a male physical education teacher also applied for the position. Neither of the men had been employed by the District for more than three years and neither had completed the requirements for the administrative credential. The physical education teacher, a Caucasian male, was selected for the job. When Ms. Chin asked for an explanation of the reason for the selection, the personnel office refused to provide a written or oral explanation.

1. Applicable laws:

2. Indications of possible discrimination:

Example 2

Mr. Jones, a Black male, received his B.A. degree in special education from the State University last June. He completed his student teaching in District 41 and received an outstanding evaluation and recommendation. As a result of his interest in the community, he applied for the special education position in Elmwood Elementary School. A Caucasian male, who had just completed a B.A. degree, was hired for the position, even though he had no prior teaching experience or credential in special education.

1. Applicable laws:

2. Indications of possible discrimination:

Example 3

Two vocational high schools are operated by the District. Boys are currently admitted to Jefferson Vocational High and girls to Washington Vocational High. Jefferson provides courses in printing, computer science and electronics, which are not provided to students at Washington Vocational High School. Under pressure, the District permitted a few girls to enroll in courses at Jefferson, but only when there was not a full enrollment of boys.

1. Applicable laws:

2. Indications of possible discrimination:

Example 4

East High School provides a variety of academic and extracurricular activities for its 1,200 students. In the wake of a 1972 desegregation order, more than 500 Black students from West High School, which had been attended primarily by Black students, were reassigned to East High School. All Black students are automatically assigned to one semester of remedial English and must demonstrate proficiency in English before they may enroll in other English courses. There is no equivalent requirement for non-Black students.

1. Applicable laws:

2. Indications of possible discrimination:

Example 5

Barbara, a tenth-grade student, is pregant. According to School District policy, she must be excluded from regular classes and extracurricular activities as soon as her condition is obvious to others. Although special classes for pregnant students are provided, Barbara does not wish to attend these classes.

1. Applicable laws:

2. Indications of possible discrimination:

Example 6

Vocational education courses offered in District 41's non-vocational high schools provide training and work experience in accounting, typing, shorthand, typesetting, mechanical drawing, and retail sales, which enable students to move into business and industrial positions upon graduation from high school. A work-study program is included, and many students work part of the school day in positions similar to those which they plan to enter following high school. Although both girls and boys are participating in all of the classes, the District maintains separate referral lists for boys and girls because some of the participating employers have stated that they will not accept either boys or girls for particular types of jobs. The same separate lists are maintained for postgraduation referral purposes, and the District refers boys and girls according to the employer's preference.

1. Applicable laws:

2. Indications of possible discrimination:

Example 7

Ms. Martin, an experienced social studies teacher with an outstanding record of performance, has recently moved to the area included in District 41. She is interested in obtaining a position teaching social studies at the junior high school or senior high school level. She obtained an interview with a member of the District personnel office and explained her interest in securing a position in the area of social studies. The interviewer reviewed her record and recommendations and commented upon them favorably. The interviewer indicated, however, that he was sorry that it would not be possible to offer her a position in the area of social studies since the social studies position open required a teacher who could also serve as coach for boys' basketball.

1. Applicable laws:

2. Indications of possible discrimination:

Example 8

Ms. Ramirez has taught for seven years at one of the elementary schools within School District 41. She is expecting a child in six months. The District policy requires that pregnant women must stop teaching at least five months prior to the expected birth date. Ms. Ramirez is currently supporting her husband's completion of medical school. All her efforts to convince the school administration that she is medically able to complete the school year have failed. Her physician has advised the District that she is medically able to continue, but without results.

1. Applicable laws:

2. Indications of possible discrimination:

Example 9

Juanita is a junior at West High School. She is an excellent swimmer and would like to swim competitively. She spoke to the coach of the varsity swim team about her interest and mentioned that her most recent time in the 300-meter medley was better than the times of three team members in the meet the week before. The coach said that although her time sounded good, District policy would not permit her to try out for the team because it limits membership to boys only. West High School offers volleyball and softball teams for girls and offers football, basketball, hockey, swimming, tennis and basketball for boys.

1. Applicable laws:

2. Indications of possible discrimination:

Example 10

Seventh-grade students in School District 41 have completed several vocational interest inventories to determine the general direction of their vocational interests. Each student is provided a report of results indicating how his/her scores compare with those of other students of the same sex who completed the test. The report provided to female students is based upon a listing of such occupations as secretary, clerk, teacher, nurse, dental technician and other sex-stereotyped occupations. Similarly, the report provided to male students rates their interests in such vocations as auto mechanics, law, medicine, engineering, and other sex-stereotyped occupations.

1. Applicable laws:

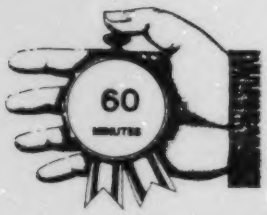
2. Indications of possible discrimination:

ACTIVITY

3

DIFFERENTIAL SEX-ROLE SOCIALIZATION

The Social/Educational Context of Title IX



Activity Agenda:

A. Filmstrip: "Cinderella Is Dead!" (10 minutes)
B. Large Group Discussion (10 minutes)
C. Lecture: Differential Sex-Role Socialization (15 minutes)
D. Questions and Answers (5 minutes)
E. Individual Activity: The Story of Pat (10 minutes)
F. Large Group Discussion (10 minutes)

Purposes of the Activities:

To provide participants with a conceptual/data base regarding the issues of sex bias and sex discrimination in education, and a context for understanding the significance and rationale of the Title IX regulation

To review the functions of education in our society

To consider the general goals for the educational preparation of females and males for more effective functioning in their future lives

To provide participants with an opportunity to identify some of the characteristics of a school situation as they might exist if the school were free of bias, in order that participants may better understand the significance and rationale of the Title IX regulation

Materials Needed:

For participant use:

The Story of Pat (Participant Worksheet 3)

For facilitator use:

A chart (on newsprint, acetate transparency, or chalkboard) containing the following:

Questions on Socialization

1. What are the functions of education in our society?
2. How well has education functioned for females and males? Are there differences in educational experiences or outcomes for females and males?
3. What are the sources of differential educational experiences or outcomes for females and males?
4. What are the goals for improving the educational preparation of females and males for more effective functioning in their future lives?

A chart (on newsprint, acetate transparency, or chalkboard) containing the following:

Five Changes in the Lives of Women Since 1900

1. Women are increasingly entering the labor force.
2. Women are increasingly heading families.
3. Women are having fewer children.
4. Women are increasingly living alone or with unrelated individuals.
5. Women are becoming increasingly well-educated.

Filmstrip: "Cinderella Is Dead!"

Filmstrip projector, cassette tape player, viewing screen

Facilitator Preparation Required:

The facilitator(s) should:

Thoroughly review this outline and all participant materials

Arrange for necessary audio/visual equipment for filmstrip

Preview filmstrip and accompanying NEA Leader Manual

Review suggested lecture and adapt it to accommodate unique group needs or facilitator style

Prepare charts needed for the activity:

Questions on Socialization

Five Changes in the Lives of Women Since 1900

PROCEDURE

A. Filmstrip: "Cinderella Is Dead!" (10 minutes)

The purpose of the filmstrip is to introduce the concepts of sex role stereotyping and socialization in our society. The facilitator should explain this purpose to participants and answer any initial questions. The filmstrip should then be shown.

B. Large Group Discussion (10 minutes)

After the filmstrip, take about ten minutes to discuss questions such as those listed below:

What were some examples we saw of how males and females are stereotyped in our society?

How are sex roles reinforced? What are some examples of ways we may be reinforcing these stereotypes in our schools?

How may the differential treatment (or reinforcement) of students and/or educational personnel (both male and female) be unfair or detrimental?

Encourage participants to use specific examples of stereotyping and/or discrimination they have encountered (ONLY if the participant wishes to share them). Often personal experiences are most powerful.

Continue this activity with the presentation of the lecture "Differential Sex Role-Socialization."

C. Lecture—Differential Sex-Role Socialization (15 minutes)

The purpose of this lecture is to provide participants with an overview of the social/educational context of Title IX. Before beginning the lecture, the facilitator

should make sure that all charts are accessible for display; reference should be made to them at approriate times during the lecture.

Suggested lecture:

"As we worked with the various Federal antidiscrimination laws in the preceding exercise, we were exploring the relationship of Title IX to other antidiscrimination legislation. These other antidiscrimination laws and their related case precedents provide one important part of the legal context for understanding the roots and significance of Title IX and the rationale behind the provisions of its implementing regulation.

"Another important context for the consideration and understanding of Title IX is the social and educational context provided by the basic data we have regarding sex differentiation and sex bias in education. These data suggest the kinds of sex differentiation in the outcomes and processes of education which gave rise to pressures for the passage of legislation such as Title IX and to the concern for attaining sex equity in education programs. During the next few minutes, we will be discussing some of these data regarding sex differentiation and sex bias in education.

"As we consider these data, and the educational and social context for Title IX, it is important to keep in mind the four basic questions you see posted on the chart in the front of the room:

1. What are the functions of education in our society?

2. How well has education functioned for males and females? Are there sex differences in educational experiences or outcomes for females and males?

3. What are the sources of differential educational experiences or outcomes for females and males?

4. What are the goals for improving the educational preparation of females and males for more effective functioning in their future lives?

"Our responses to these questions provides an important frame of reference for understanding Title IX and its specific regulatory provisions. In reviewing the data, we will try to consider each question in turn. (Where data exist regarding similarities, differences, and interactions between sex bias and differentiation and race bias and differentiation, we will include these also. Although relevant data are not always available, it is important that we keep in mind that the educational experiences and outcomes of females and males may be affected by their race and ethnic background.)

1) The functions of education in our society

"In considering issues related to equity in education (whether equity related to race, sex, or social class), it is important to keep in mind the somewhat paradoxical demands placed on education in our rapidly changing society. First, education is expected to conserve and to maintain social stability by transmitting to students the knowledge, skills, and experience of the past. Second, it is expected to anticipate the evolution of society and to provide the present generation of students with the knowledge and skills which will be needed by the individuals and the society of the future. Our education institutions have generally been more effective in transmitting the experience of the past and contributing to social continuity than in anticipating the needs of students for the future. In so doing, they have also functioned to perpetuate existing inequities and discrimination. Schools have often sorted and stratified students on the basis of race, ethnicity, social class, and sex, according to the assumptions, biases, and values of the past rather than the actualities of the present or the needs of the future.

2) The functioning of education for females and males: sex differences in educational experiences and outcomes

"Accumulated data suggest that education functions largely to prepare both females and males for the roles

traditionally considered appropriate to their sex (and females and males of racial-ethnic minority groups for the roles traditionally considered appropriate for their sex and race). Although we cannot be certain of many of the future needs of women and men, we do have some general statistical indicators of major life trends against which the reality of our traditional sex role assumptions and the adequacy of our education programs for women and men may be assessed.

"Five major changes have occurred in the lives of American women since the turn of the century, * changes which are paralleled by complementary changes in the lives of men. (Although these changes have differed in degree for women and men of racial-ethnic minority groups, they have occurred to some degree in all racial-ethnic minority groups.) (At this point, the workshop facilitator may wish to ask participants if they can identify what these changes are. After receiving ideas from the participants, the facilitator may then display the chart on the five changes and resume the lecture, noting similarities between participant responses and the information presented.) 1

Women are increasingly entering the labor force.

"In every age group, the percentage of women participating in the paid labor force has steadily increased each decade since 1900. Ninety percent of all females currently in high school will be engaged in paid employment at some time in their lives. More than 60 percent of the female labor force is made up of married women, and half of all women with children between the ages of 6 and 17 are working for pay outside the home. Economist Eli Ginzberg has called this entry by women into the work force "the single most outstanding phenomenon of our century." * 2

"For many poor or minority group women who have never had the option of staying at home, this change has been dramatic. Since 1890, the percentage of Black women in the paid labor force has increased from 37 percent to 49.5 percent. The increase for Caucasian women over this same period has been from 15.8 percent to 42.5 percent. For all groups of minority women on whom data are available (Black, Spanish-speaking, and Asian Americans) work force

participation exceeds that of Caucasian women and continues to increase.

Women are increasingly heading families.

"The proportion of single-parent families headed by women increased by 33 percent in the last decade. (This compares with a 13 percent increase of husband-wife families.) Of all families headed by women, nearly 40 percent live below the poverty threshold.

Women are having fewer children.

"Since 1960, family size and birth rates for all racial-ethnic groups have dropped markedly.

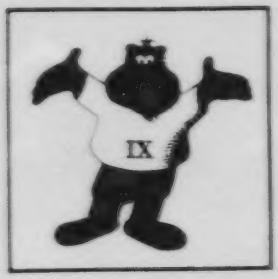
Women are increasingly living alone or with unrelated individuals.

"The number of households consisting of primary individuals--those who do not live with persons related to them--has increased from 10 percent of all households in 1940 to 20 percent in 1973. An increase of nearly one million women in this category occurred between 1970 and 1973. As the life expectancy of women continues to exceed that of men, women over 65 comprised 55 percent of this category; women between 14 and 34 comprised 34 percent of this category.

Women are becoming increasingly well-educated.

"In the years between 1940 and 1974, the median number of school years completed by women in this country has increased from 8.7 years to 12.3 years. Both Caucasian and Black females are completing more years of formal schooling; in 1940 the median number of school years completed by Black females was 6.1; in 1974, it was 11.4. For Caucasian females, the medians are 8.8 and 12.3 for corresponding years. (Data are not available for Spanish-speaking, Asian, and Native Americans for corresponding years.)

"These five changes in the lives of women appear to be the result of steady and irreversible societal changes occurring since the turn of the century. They reflect our development from a rural/agricultural society to an



urban/industrial-technological society, and resultant changes in the nature of work itself, the organization of family life, and the increased availability of public education.

"As the roles and lives of women have changed, so have the roles and lives of men. As women have entered the labor force, many men have assumed new responsibilities in the maintenance of home and family. As the family has decreased in its importance as the primary unit of economic production, its role as an emotional support system has increased in relative importance, with great impact on the roles of males, females, and children. As more persons enter the work force, our society is being forced to reevaluate the basis for the assignment of employment roles, again with major implications for the lives of males.

"It is difficult to separate the effects of formal education on the development of females or males from those of such informal education agents as the family or the media. Data suggest, however, that our education agents, formal and informal, are failing to provide females with the self-images, knowledge, and skills necessary to enable them to function successfully in these roles.

"Although educational achievement is an imperfect measure of preparation for adult roles, it does provide us with one indication of possible differences in the preparedness of females and males. A recent report of the National Assessment of Educational Progress (NAEP), a project of the Education Commission of the States, documents major disparities in the educational achievement of males and females: *

3

> Results from NAEP assessments in eight learning areas show that males generally do better than females in four major subjects: mathematics, science, social studies, and citizenship.
>
> In the four other learning areas, females consistently outperform males to any large degree in only one (writing); maintain a slight advantage in one (music); and in the remaining two subjects (reading and literature) are above male achievement levels at age 9, then drop to lag behind males by the young adult ages 26-35.

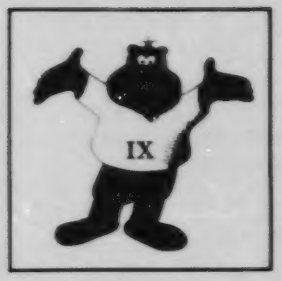
What is particularly puzzling in comparing male-female achievement is that in the male-dominated areas (mathematics, science, social studies, and citizenship), males and females at age 9 show scholastic understanding that is fairly equal. By age 13, however, females have begun to decline in achievement which continues downward through age 17 and into adulthood.

(Note: Information regarding any racial-ethnic differences affecting female and male performance on the Assessment is not available.)

"We can hypothesize two interpretations of these data. The first interpretation would suggest that differences in intellectual ability between males and females limit girls' academic achievement. A comprehensive analysis and review of research regarding basic psychological sex differences by Eleanor Maccoby and Carol Jacklin * 4
indicates that this interpretation is not supported.

"Maccoby and Jacklin conclude that there is no difference between males and females in basic learning styles; there is no sex difference in ability to perform either rote learning tasks or tasks requiring higher level cognitive processing. Further, females and males do not differ on tests of analytic or cognitive style. Although Maccoby and Jacklin do conclude that males excel in visual-spatial and mathematical ability, which is consistent with their superior performance on the mathematics section of the NAEP, they also find that females have greater verbal ability than males. It is thus difficult to attribute the performance deficit of females on the non-mathematical portions of the Assessment to basic sex differences in ability. A more plausible interpretation is that these performance differences are the result of sex-differentiated patterns of educational socialization which perpetuate traditional male and female stereotypes.

"Data compiled by Myra Sadker in her 'Report Card on Girls and School', * many of which provide information on sex 5
differences in self-image, also indicate differences between females and males in their preparedness to function in independent and paid work roles. These data, like NAEP statistics, also indicate the increase of these sex differences with age.



(It is important to note, however, that most of the data are based on Caucasian, middle class populations, and they should not be generalized to apply to all cultural groups without further investigation.)

"Intellectually, girls start off ahead of boys. They begin speaking, reading, and counting sooner; in the early grades they are even better in math. During the high school years, however, a different pattern emerges and girls' performance on ability tests begin to decline. Indeed, male students exhibit significantly more IQ gain from adolescence to adulthood than do their female counterparts. * 6

"By the time they reach the upper elementary grades, girls' visions of future occupations are essentially limited to four: teacher, nurse, secretary, or mother. Boys of the same age do not view their future occupational potential as so limited. * 7

"A more recent study indicates that although more elementary school girls are beginning to consider a variety of careers, they are unable to describe in any specificity what having a career would be like. Boys, in contrast, are able to describe in detail the activities which might comprise their chosen career. * 8

"Although women make better high school grades than do men, they are less likely to believe that they have the ability to do college work. * 9

"Decline in career commitment has been found in girls of high school age. This decline was related to their feelings that male classmates disapproved of a woman using her intelligence. * 10

"Of the brightest high school graduates who do not go on to college, 75-90 percent are women. * 11

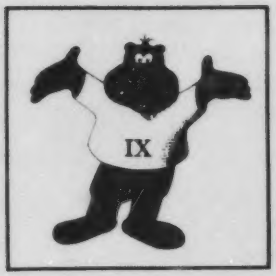
"The majority of male and female college students feel the characteristics associated with masculinity are more valuable and more socially desirable than those associated with femininity. * 12

"An important area in which little research has been done is the area of racial-ethnic differences as they may affect the kinds of sex differences in academic and career aspirations and self-perceptions we have just reviewed. Most of the few studies which do exist deal only with one minority group--Black Americans--and many issues remain to be explored both with regard to Black females and males and with regard to Spanish heritage Americans, Asian Americans, Native Americans, and others. We will mention some of the studies which do exist, primarily to emphasize the importance of considering the racial-ethnic variables which may affect the educational needs of females and males.

"One group of studies seem to indicate some similarity between the traditional view of the feminine role held by Black women and those held by Caucasian women. Several studies have indicated that the career aspirations of Black college women, like those of Caucasian women, are primarily toward traditional 'feminine' career roles. * 13
Other studies indicate, however, that Black women, unlike Caucasian women, tend to see working, rearing children, and fulfilling a wifely role as compatible. * 14

"At least one study suggests that among Black high school students in a rural Southern area, it is Black males who hold low career and educational aspirations. In this study, Black males and females and Caucasian males and females were surveyed regarding their occupational and educational expectations. The findings were that Black females exceeded both Caucasian males and females in their expectations while Black males consistently fell below the other three groups in expectation level. * 15

"The occupational participation of Black women (and probably Black men also) may be limited by more than aspiration levels. We noted earlier that young Caucasian women were less able than young Caucasian men to describe occupational roles in any specificity. A five-year study of over 5,000 Black and Caucasian women ages 14-24 indicated that Black women were less able than Caucasian women to describe the duties in each of ten occupations: assembler, key punch operator, bank teller, department store buyer, dietician, statistical clerk, nurse's aide, social worker, medical illustrator, and quality control girl (sic) in a bakery. * The lack of such information 16



is likely to have a significant effect on the educational and occupational aspirations and choices of Black women.

"One of the most inclusive studies of the interaction of sex and race differences in attitudes was a survey administered to 1,750 preadolescent children--Caucasian, Black, Hispanic, and Asian American children. The survey measured: self-esteem, school orientation, peer orientation, and orientation to family authority in these children. The results of the survey indicated that:

> Sex differences were more salient than other differences with regard to school orientation (boys liked school less than girls, regardless of racial-ethnic background).
>
> Race differences were most salient with regard to family orientation (Caucasian children were less oriented to family authority than minority children).

"In summarizing the results of the survey, the researcher concluded that 'all in all, sex was found to be a more powerful influence on preadolescent attitudes than race and social class status' and that 'across the society, the differences in the socialization of boys and girls are influenced by race and social class in minor ways.'* 17

"As these few studies indicate, much work remains to be done if we are to understand the interaction of race and sex factors as they affect the educational needs of females and males from racial-ethnic minority groups. It is important, however, that we remember that sex differentiation and stereotyping may affect females and males regardless of their race or ethnic background, although the effects may take a variety of forms. It is only by recognizing the forms of stereotyping and differentiation which exist that we may design education services and programs in such a way as to contribute to the optimal growth of all students."

FOOTNOTES

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Karen Hapgood and Judith Getzels, Planning, Women and Change (Chicago: American Society of Planning Officials, 1974).

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P. Gurin and D. Katy, "Motivation and Aspiration in the Negro College" (Final report, U.S. Department of Health, Education, and Welfare, 1973).

M.T. Mednick and G.R. Puryear, "Motivational and Personality Factors Related to Career Goals of Black College Women", Journal of Social and Behavorial Sciences 21 (1975): 1-30.

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Paul E. Kelly and C. Ray Wingrove, "Educational and Occupational Choices of Black and White, Male and Female, Students in Rural Georgia Community," Journal of Research and Development in Education 9 (1975): 45-56.

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Center for Human Research, Ohio State University, Years for Decision, Vol. II (Washington, D.C.: U.S. Department of Labor, Manpower Administration, 1973).

17
Ralph W. Larkin, "Class, Race, Sex and Preadolescent Attitudes," California Journal of Educational Research, (1972): 213-223.

D. Questions and Answers (5 minutes)

The facilitator should provide approximately five minutes for participant questions or discussion of the information presented to this point. S/he may wish to move into questions and answers with a comment such as:

"The data we've just considered indicate, in response to the second of the questions on the chart, that there are differences in educational outcomes for females and males, and that schools seem to function less well in preparing females for independent living than they do at least for Caucasian males.

"Again, it is difficult to differentiate the contribution of schools to these outcomes from those made by the family, the media, and other socialization influences. There is much documentation, however, of the ways in which schools may perpetuate these forms of sex differentiation, regardless of the other institutions which share in this responsibility. Before we consider this documentation and the answer to the third question on the chart, we'll take a few minutes to discuss any questions which have come up so far."

E. Individual Activity: The Story of Pat (10 minutes)

The purpose of this activity is to have participants explore their own personal reactions (and perhaps biases) in creating the future of the student, "Pat". Have participants find, in their workbooks, Participant Worksheet 3: "The Story of Pat", and read the sheet. (The facilitator may wish to read the sheet aloud to the group.) Participants should then follow the directions on the sheet. They may write directly on the worksheet or use another piece of paper. Give the group about ten minutes (each person should work individually) to complete the worksheet.

F. Large Group Discussion (10 minutes)

After the stories have been completed by participants, discuss several stories as a group. Let a few people volunteer to share their stories (be sure to choose both males and females). Note, with the help of the group, such things as:

> How often was Pat a female? A male? What were some reasons?
>
> Does Pat's sex seem to affect the kind of job, education, lifestyle, etc., assigned her/him by participants?
>
> What are some patterns which emerge from the group's stories? (Examples: If Pat is a woman, is she successful at her career--including the career of a homemaker? How are Pat's dreams, goals and successes different, depending on which sex Pat is assigned?)

Include other questions which may come up as the discussion progresses. Have participants save their worksheets both for future reference, and as a possible tool to use with students or colleagues in exploring personal attitudes about males and females.

Participant
Worksheet 3

THE STORY OF PAT

Pat is a student at Lincoln Senior High School. Pat has excelled in track, winning several intramural competitions. Pat makes good grades, is active in student government, and is popular with both male and female students. Pat's hobbies include macramé, repairing bicycles, babysitting, skiing, small carpentry projects, and playing the flute.

DIRECTIONS: Write a brief story about Pat. Cover the following points, but also add anything else you want to say about Pat.

1. Describe Pat: How old? Male or Female? What does Pat look like?

2. What are some jobs Pat is considering after graduating from high school?

3. What educational plans (if any) does Pat have after high school?

4. What kind of lifestyle will Pat have after high school? (Marriage? Living with a friend(s)? Living alone? Having children? Traveling? Other?)

5. What is Pat's MOST IMPORTANT goal or dream?

6. Will Pat be successful in achieving that goal or dream?

Developed by Linda S. Doyle
Jefferson County Public Schools
1978

ACTIVITY

4

VEHICLES OF SEX-ROLE SOCIALIZATION

The Social/Educational Context of Title IX

Activity Agenda:

A. Lecture: Vehicles of Sex Role Socialization (10 minutes)
B. Small Group Activity: Counselor/Student Role Play (15 minutes)
C. Large Group Discussion (15 minutes)
D. Workshop Summary and Evaluation (10 minutes)

Purposes of the Activities:

Same as Activity 3

Materials Needed:

For participant use:

Counselor/Student Role Play (Participant Worksheet 4)

Counselor/Student Role Play Answer Sheet (Appendix C)

Workshop Evaluation (Participant Notebook)

For facilitator use:

A chart (on newsprint, acetate transparency, or chalkboard) containing the following:

Questions on Socialization (from Activity 3)

A chart (on newsprint, acetate transparency, or chalkboard) containing the following:

Vehicles of Sex-Role Socialization in Schools

Textbooks and instructional materials

School personnel behavior

Counseling and guidance

Sex-segregated schools and school groupings

Vocational education

Physical education and athletics

Extracurricular activities

Sex-stereotyped assignments of roles in education

Facilitator Preparation Required:

The facilitator(s) should:

Review suggested lecture and adapt it to accommodate unique group needs or facilitator style

Prepare and display charts needed for activity:

Questions on Socialization

Vehicles of Sex-Role Socialization in Schools

PROCEDURE

A. Lecture—Vehicles of Sex-Role Socialization (10 minutes)

The purpose of this lecture is to conclude the overview of the social/educational context of Title IX, which was begun in the lecture, "Differential Sex-Role Socialization." The first lecture was designed to address the first two questions of the four socialization questions presented on the chart. This lecture will address the third question. It will focus on the possible sources of sex differentials in educational outcomes--the vehicles of sex role socialization or sex bias in schools.

Suggested lecture

"Let us turn now to the third question on the chart: 'What are the sources of differential educational experiences or outcomes for females and males?' Another way to ask this question is: 'What are the vehicles of sex role socialization in schools, or how is sex bias transmitted in schools?'

"The traditional sex role assumptions and values of our society are transmitted in a variety of ways in education institutions. Instead of assisting all students, female and male, to explore a variety of traditional and nontraditional roles, fields, and options, and identify those most appropriate to their own individual needs, interests, and abilities, schools function largely to transmit unexamined and potentially limiting sex role stereotypes. These stereotypes are reinforced through most of the traditional vehicles of educational socialization: textbooks and instructional materials, the behavior of school personnel, counseling and guidance, sex segregation in schools and school groupings, vocational education, physical education and athletics, extracurricular activities, and professional role modeling. (The facilitator should display the chart on "Vehicles of Sex-Role Socialization" during the remainder of the lecture.)

Textbooks and instructional materials

"Textbooks convey not only academic or cognitive information for student mastery, but also effective information regarding the mores and values, as well as the biases of a culture. Numerous studies have documented that the presentation of sex roles in these materials is traditional and limiting. * Females are relatively invisible, usually characterized in their infrequent appearances as passive, dependent and emotional creatures defined primarily by family roles. Males are generally portrayed in opposite but equally stereotypical roles: they are usually striving and achieving in adventure, career, or public roles, with little family or emotional life or human limitations. These images are consistent across subject areas or discipline and throughout all educational levels. 18

"Although several recent studies have documented some improvement in the treatment of racial-ethnic minorities in textbooks, * it is interesting to note that this has been primarily through inclusion of minority males. Minority females remain by far the most underrepresented and most stereotyped group in textbooks. * 19 20

School personnel behavior

"The behavior of school personnel provides students with a reflection of society's expectations for their lives, how they will be valued, and what they may become. Research indicates that teachers and administrators hold different behavioral and academic expectations for females and males and often behave in ways which reinforce passivity and dependence in females and aggression and independence in males. * Although many of us have heard the finding that boys in the elementary school are punished more frequently than girls are, studies also show that boys receive more active teacher attention in every category of teaching behavior: active instruction, listening, praise, and punishment. * 21 22

"It is difficult to identify studies which look at sex and race as influences on school personnel behavior, or which look at the behavior of school personnel toward children other than Caucasian and Black children. Studies do indicate, however, that teachers give less attention to

"Black students than to Caucasian students * and that many hold lower expectations for Black students than for Caucasians. * Again, sex-race interactions in this area (e.g., how teachers may treat minority females differently than either Caucasian females or minority males) remain to be investigated. 23 24

Counseling and guidance

"It is probably in academic and career guidance that the functioning of schools as a societal 'sorting' mechanism is most explicit. Research has shown that both male and female counselors hold differential perceptions of appropriate course selection and career choices for female and male students, * and that these traditional biases are reflected in many counseling instruments and materials. * It should also be noted that the theories of career development on which many of our school counseling services nd materials are based are theories which reflect only e experiences of Caucasian males and the application of these limited theories is highly questionable. * 25 26 27

Sex-segregated schools and school groupings

"Separate schools for males and females, sex-differentiated graduation requirements (industrial arts for males; home economics for females); and sex differentiation in academic or classroom maintenance assignments all combine to reinforce the legitimacy of differential expectations regarding the roles and abilities of males and females. Although policies of either sex segregation or race segregation are illegal, evidence is substantial that both forms of segregation are perpetuated through student tracking practices. Racial-ethnic minority males are a disproportionately high percentage of the students enrolled in special classes. * At least one study has demonstrated that racial-ethnic minority females are tracked into those traditionally-female areas of vocational education for which anticipated earnings are lowest. * 28 29

Vocational education

"Vocational education provides a direct link between education and the employment system. Of 136 instructional categories within the nation's vocational education

programs, 71 percent have enrollments of at least 75 percent of one sex or the other; almost one-half have enrollments over 90 percent of one sex or the other. Females predominate in those programs providing preparation for lower-paying vocations. * Again, as we just mentioned, there is some evidence that minority women are disproportionately concentrated in those areas of training for which anticipated pay is lowest. 30

Physical education and athletics

"Although all individuals should be encouraged to develop healthy bodies and body images and the commitment and skills for their maintenance, physical education and athletic programs from preschool through college operate to minimize the importance of physical development for females. Physical education programs become increasingly sex-differentiated as students progress through school, and athletic opportunities for females become more and more constricted. As the emphasis upon competition increases, increasingly greater proportions of male students are also short-changed. * 31

"The participation of minority students, particularly Black males, in athletics is worth a special mention. At least one writer has suggested that the emphasis upon athletics for Black males may result in the de-emphasis of academic performance, which in turn may result in narrowed educational and career opportunities for the many Black male athletes who do not succeed in professional sports. * 32

Extracurricular activities

"Sex differentiation in academic honors, academic and social organizations, and interest groups is prevalent. This reflects and perpetuates the dual system of expectations and rewards apparent in the more formal educational activities. Here again, as in other areas, interactions between sex and race differentiation are not unusual. For example, it is only very recently that we have begun to see minority women in even the traditionally female activities such as cheerleading or pep club.

Sex-stereotyped assignments of roles in the education profession

"Role modeling is a powerful form of learning. As students perceive that the proportion of females declines with increasing educational level and administrative responsibility, they gain salient information about the roles available to them in the future. Although women comprise 83% of the elementary school teachers, they are only 46% of all secondary school teachers, 13% of all principals, and 14% of all administrators. * The 33
message conveyed to young women by this distribution is clear. Minority educators, like female educators, decline in representation with progressive administrative levels. Although this decline is not as severe in degree as is the decline for females (for example, minority persons are 13% of all elementary teachers, but only 7% of all administrators), * the bias is compounded by the fact 34
that minority educators are most frequently assigned to schools or districts in which minority students predominate. Although this situation may provide positive role models for minority students, it may also convey to minority females and males the message that their only future is in segregated institutions.

"These data suggest that educational programs reflect differential expectations, curricula, and reinforcements for male and female students, and that these expectations and rewards are further differentiated on the basis of race and ethnicity. Although direct causal relationships remain uninvestigated, it is unlikely that students progress through school untouched by these powerful and consistent reinforcements of traditional roles. The very differentiated roles are not consistent with the changing roles of males and females of all racial-ethnic groups in our society and do not accommodate the full range of options needed by students. It is clear that schools are neither meeting the current needs of all females and males, nor planning for the continuing changes that will impact the future lives of their students."

After completing the lecture, the facilitator may pause briefly for participant questions, but s/he should also explain that participants will have an opportunity to explore some of these areas in more detail during sessions designed for particular role groups--counselors, teachers, administrators, etc.

FOOTNOTES

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Lenore Weitzman and Diane Rizzo, "Images of Males and Females in Elementary School Textbooks," in Biased Textbooks (Washington, D.C.: Resource Center on Sex Roles in Education, National Foundation for the Improvement of Education, 1974).

Women on Words and Images, Dick and Jane as Victims: Sex Stereotypes in Children's Readers (Princeton, N.J.: Women on Words and Images, 1972).

Gwyneth E. Britton, "Sex Stereotyping and Career Roles," Journal of Reading 17 (November 1973): 140-148.

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William A. Katz, "Minorities in American History Textbooks," Equal Opportunity Review (June 1973): 1-4.

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Weitzman and Rizzo.

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T.E. Levitan and J.C. Chananie, "Responses of Female Primary School Teachers to Sex-Typed Behaviors in Male and Female Children," Child Development 43 (1972): 1309-1316.

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U.S. Department of Health, Education, and Welfare, Office of Education, "Achievement, Creativity and Self-Concept Correlates of Teacher-Pupil Transactions in Elementary School," by Robert Spaulding (Cooperative Research Project No. 1352, 1963).

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P. Rubovitz and M. Maehr, "Pygmalion Analyzed: Toward an Explanation of the Rosenthal-Jackson Findings," Journal of Personality and Social Psychology 25 (1973): 210-213.

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E. Leacock, Teaching and Learning in City Schools (New York: Basic Books, 1969).

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Arthur Thomas and Norman Stewart, "Counselor Response to Female Clients with Deviate and Conforming Career Goals," Journal of Counseling Psychology 18 (1971): 353-357.

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Carol K. Tittle, Karen McCarthy, and Jane Feggen Steckler, Women and Educational Testing: A Selective Review of the Research Literature and Testing Practices (Princeton, N.J.: Educational Testing Service, 1974).

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Samuel H. Osipow, "The Relevance of Theories of Career Development to Special Groups," in Career Behavior of Special Groups: Theory, Research, and Practice, J. Steven Picon and Robert E. Campbell, eds. (Columbus, Ohio: Charles E. Merrill Publishing Co., 1975).

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Arthur M. Lee, Learning a Living Across the Nation: Project Baseline Fifth National Report, Vol. 5 (Flagstaff: Northern Arizona State University, 1976): 18 and 172.

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U.S. Department of Health, Education, and Welfare, Office of Education, Summary Data--Vocational Education Fiscal Year 1972.

31
Patricia Bostrom, "Sexism in Washington State Public Schools' Sports Programs," Seattle, Washington, 1972.

Paula Latimer, "Survey of Sex Discrimination in the Waco Independent School District," Austin, Texas, 1973.

32
James A. Michener, Sports in America (New York: Random House, 1976): 150.

33
U.S. Equal Employment Opportunity Commission, Employment Opportunity in the Schools, Research Report No. 51, 1976, p. 15.

34
Ibid.

B. Small Group Activity: Counselor/Student Role Play (15 minutes)

The facilitator should introduce the activity with comments such as the following:

"We would like now to move into an exercise that will help us to explore the fourth question we raised earlier: 'What are the goals for improving the educational preparation of females and males for more effective functioning in their lives?'

"For the next few minutes, we will begin working in small groups to focus on what one of these vehicles of sex-role socialization might look like if it were free of bias.

"One way to begin thinking about the goals for improving the educational preparation of females and males (and thus, to think about the rationale for Title IX), is to try to envision what one of the vehicles of socialization that we just reviewed (i.e., a counseling situation) might look like if it were free from bias. Participant Worksheet 4 has been designed to help you to do this."

The facilitator should ask the participants to turn to Participant Worksheet 4, Counselor/Student Role Play, in their workbooks. As each person looks over his/her worksheets, the facilitator should explain that the situation is one in which a student comes to her counselor for guidance about future coursework and career plans. The facilitator should ask for volunteers and, with those persons, take the parts of the Counselor and the Student. Both situations should be role played.

The facilitator should then ask participants to form groups of approximately equal numbers. When this is done, the following directions may be given:

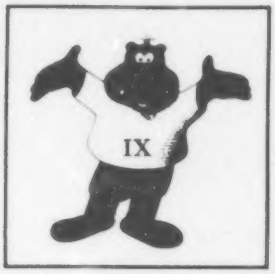
"As a group, brainstorm ways in which this counseling situation could be made less sex-biased. Think of ways the counselor might affirmatively guide the student, and record these ways in the form of a revised Counselor/Student dialogue. Take about fifteen minutes to answer the discussion questions in a way which you believe to be sex-fair or sex-affirmative."

C. Large Group Discussion (15 minutes)

After the small groups have spent approximately 10-15 minutes revising the worksheet, the facilitator should reconvene the total group. Approximately ten minutes should be allowed for processing and summarizing. The facilitator should have two people from each group "role play" their revised counseling situations for the entire group. Discussion might center on such questions as:

> What improvements have been made in the counseling situation: Its fairness? Sensitivity to the individual needs and concerns of the student? Use of available books, pamphlets or other resources in the school? Use of people in the community as resources? Other?
>
> If the student were male, how might the counselor have dealt with his concerns?
>
> How might this differential treatment hinder the potential of the female student? How might similar situations hinder other students (male and female)?

If time permits, choose another participant to read aloud with you the Sex-Fair/Affirmative Counselor/Student Role Play sheet (Participant Appendix C). Allow the group to react to this version of the situation.



D. Workshop Summary and Evaluation (10 minutes)

In order to summarize the activity, the leader may wish to refer to the fourth question asked in establishing the context for Title IX: What are the goals for improving the educational preparation of males and females? The following comments might be made as a means of summarizing the session:

"If education is to provide equity, it must prepare all students for full human functioning by:

> Providing both males and females of all racial-ethnic groups with an incremental program or career exploration, job skills training, and general

preparation for meaningful participation in the paid work force. Both females and males must be prepared to include paid work and career development as a part of their life plans. They must be equipped to design lifelong career development efforts and to view employment as a positive vehicle for growth as well as a method of economic maintenance.

Providing both females and males of all racial-ethnic groups with attitudes, knowledge and skills that increase their capability for both independent and interdependent living. Girls need to learn the skills of independent living and functioning in the variety of economic, political, social and psychological roles of adult life. Boys must be provided not only with the capabilities necessary for independent lives outside the home, but also the capabilities for participating fully in the maintenance of home and family.

Preparing all boys and girls, men and women with the skills of living with the rapidity of social change that our society is experiencing. All persons must be equipped with the attitudes, skills, and knowledge that facilitate continued learning and to act upon those changes which have relevance for their lives.

"It is with such general educational goals in mind that Title IX requirements may be most effectively understood and implemented. Title IX reflects the assumption that in our society, educational experiences which are of value to persons of one sex are of potentially equal value to persons of the other sex. Implementation of Title IX requirements is one step toward the provision of educational services which can function to prepare all students for the future roles which await them."

At this point, participants should be asked to take abou five minutes to complete the Workshop Evaluation sheet, provided in their Workbooks. This time should also be used for answering any final questions and for making any necessary announcements.

Participant
Worksheet 4

COUNSELOR/STUDENT ROLE PLAY

The setting is a guidance counselor's office where a student is talking about careers with her counselor.

COUNSELOR: What do you plan to do after high school?

STUDENT: Oh, I don't know what to do. I've thought about engineering. I love science and math, but I'm afraid I won't make it at the School of Mines.

COUNSELOR: Well, it is true that competition there is rough and men do have an advantage in that field. Have you considered teaching instead?

STUDENT: But I thought that field was crowded now.

COUNSELOR: Well, it is, but it is such a good profession for a woman because you can stay home with your children during the summer and you can have all the holidays and vacations off with your family.

STUDENT: Well, I've never thought I would like teaching. It really is just like being a mother all the time.

COUNSELOR: But being a mother is a woman's job! And it really is a good idea for a woman to prepare for a couple of careers. What if your husband changes jobs? You never know where your family might have to go. You should be prepared to bring in a solid second income. Think about it. By the way, did you register for Home Economics next semester?

DISCUSSION QUESTIONS:

1. How would you feel if you were the student? The counselor?

2. What plans might the student make after this conversation?

3. What things should be changed in this interview?

COUNSELOR/STUDENT ROLE PLAY

The setting is a guidance counselor's office where a student is talking about careers with her counselor.

COUNSELOR: What do you plan to do after high school?

STUDENT: Oh, I don't know what to do. I've thought about engineering. I love math and science, but I'm afraid I won't make it.

COUNSELOR: Tell me more about what you mean.

STUDENT: I guess I'm a little worried about competing with all those guys at the School of Mines.

COUNSELOR: Well, it is true that competition is rough, but your grades and interest inventory scores indicate that you have the ability and potential to do well. You should also know that more and more women are entering the field of mining.

STUDENT: Yeah, but I'm not interested in doing secretarial work. Isn't that where I'd have to start?

COUNSELOR: Not if you want to use your math and science capabilities to the fullest extent. There are many job opportunities not only for engineers, but for business managers, tax specialists, and environmental consultants. If you're especially interested in engineering, you should plan to sign up for several courses in advanced math and science next semester.

STUDENT: I'm still not sure I can handle the hassle I'll probably get from all the guys at Mines.

COUNSELOR: Well, it would be unrealistic to think that you won't run into some of that. An important factor to recognize is that you can get support from other women in the field. I suggest you call Lynn Wodell, a member of Women in Mining.

STUDENT: You mean there's a mining organization for women?

COUNSELOR: Yes, and I think you'll not only get a lot of helpful information about education and training, but about the increasing career opportunities for women in that field. I've also written down several resources you can check out from the career center in the school library. Some filmstrips and occupational briefs to look at too. Why don't you try it?

APPENDICES

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APPENDIX

A

ANSWER SHEET FOR CASE EXAMPLES

Participant Worksheet 2

EXAMPLE 1

Title VII of the Civil Rights Act and Title IX of the 1972 Education Amendments:

Although additional data would be needed to ascertain that Ms. Chin's nonpromotion to an administrative position was discriminatory, the evidence provided would suggest a general pattern of nonpromotion of women and a specific lack of consideration of Ms. Chin's credentials. Discrimination through nonpromotion of qualified women to administrative positions is prohibited by Title VII of the Civil Rights Act and Title IX of the 1972 Education Amendments.

EXAMPLE 2

Titles VI and VII of the Civil Rights Act:

Title VII agrees that selection and hiring of employees must be carried out without discrimination on the basis of race, color, religion, national origin, or sex. In this instance, the fact that a Black male with relevant qualifications for the position was rejected in favor of a white man without the special education credential would suggest the possibility of discriminatory practices. Title VI would also apply to the extent that employment discrimination affects the beneficiaries of the program, in this case, students.

EXAMPLE 3

Title IX of the 1972 Education Amendments:

The Title IX regulation prohibits the provision of differential programs on the basis of sex. According to the regulation, vocational schools operated by local education agencies may not be segregated on the basis of sex.

EXAMPLE 4

Title VI of the Civil Rights Act:

The assignment of students to courses or imposition of testing or evaluation requirements upon students on the basis of their race is discriminatory and in violation of Title VI. Black students may not be required to enroll in courses or to meet performance requirements if such enrollment or performance is not required of other students.

EXAMPLE 5

Title IX of the 1972 Education Amendments:

No student may be compelled to attend a special program on the basis of pregnancy or related conditions. Furthermore, a pregnant student must be permitted to continue in her regular classes and activities unless there are medical contraindications of such participants. Certification of medical capability for continued participation in regular classes and activities may be required of pregnant students only when it is also required of students for other forms of temporary disability.

EXAMPLE 6

Title IX of the 1972 Education Amendments and Title VII of the Civil Rights Act:

Although schools may provide referral services for employers, they are prohibited from maintaining sex-segregated lists. Maintenance of such lists for work-study purposes would be in violation of Title IX; maintenance of such lists for postgraduation referral would be in violation of Title IX and of Title VII of the Civil Rights Act.

EXAMPLE 7

Title IX of the 1972 Education Amendments and Title VII of the Civil Rights Act:

The linking of job qualifications that would result in a disparate impact on the employment opportunities of members of one sex is prohibited by Title IX and Title VII. Capability to provide social studies instruction must be the relevant qualification to be examined when hiring for a social studies position. Qualifications, requirements, or criteria used for employee selection may not place a disparate burden on one sex unless such qualifications or criteria have been demonstrated to be valid predictors of success in the particular job under consideration and alternative criteria are not available.

EXAMPLE 8

Title IX of the 1972 Education Amendments and Title VII of the Civil Rights Act:

The Title IX regulation states that pregnant employees may not be forced to leave their positions at an arbitrary date established by administrative policy. The determination of the time at which a pregnant woman may be unable to continue professional duties must be made on the basis of medical consultation between a woman and her physician. Title IX and related case law may require that pregnancy and medically-related conditions be treated as other forms of temporary disability.

EXAMPLE 9

Title IX of the 1972 Education Amendments:

According to the Title IX regulation, when overall competitive sports opportunities have been denied or limited for members of one sex, members of that sex must be permitted to try out for teams provided only on a segregated basis for members of the other sex when such teams do not involve contact sports. Thus a female must be permitted to try out and be admitted to the male swim team if she can meet the objective standards established for participation and team membership.

EXAMPLE 10

Title IX of the 1972 Education Amendments:

Sex discrimination in the use of counseling instruments and the provision of counseling services is prohibited by the Title IX regulation. Provision of test results based on sex-differentiated norms is permitted only if boys and girls are provided with reports of their scores according to both sets of norms. Schools may not use tests or other materials for evaluating or counseling students which cover different occupational or interest areas unless their use is shown to be essential to the elimination of sex bias. Care must also be taken to ensure that students understand the meaning of such tests and are provided opportunities for clarification. Institutions using sex-differentiated instruments must be able to demonstrate that alternative instruments which do not so differentiate are unavailable and that the instruments are used in a nondiscriminatory fashion.

APPENDIX B

TITLE IX OF THE EDUCATION AMENDMENTS OF 1972— A SUMMARY OF THE IMPLEMENTING REGULATION

Introduction

Title IX of the 1972 Education Amendments is the first comprehensive Federal law to prohibit sex discrimination in the admission and treatment of students by education institutions receiving Federal financial assistance. Sex discrimination in the employment policies and practices of educational institutions is also prohibited. The intent of the law is to eliminate sex discrimination in the programs, policies, and administration of educational institutions. It reads:

> *No person in the United States shall, on the basis of sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.*

The implementing regulation for Title IX was issued by the Secretary of Health, Education, and Welfare in June, 1975. Its provisions may be grouped into five major sections—general provisions (contained in Subpart A of the regulation), which outline the general procedures required for ensuring nondiscrimination and compliance with the regulation; coverage provisions (Subpart B of the regulation), which identify the education institutions, programs, and activities covered by the regulation; admissions provisions (Subpart C of the regulation), which specify prohibitions of discrimination in the recruitment and admissions of students; provisions pertaining to the treatment of students in educational programs and activities (Subpart D of the regulation), which delineate the standards of nondiscrimination in student programs; and employment provisions (Subpart E of the regulation), which establish the requirements for nondiscrimination in employment.

Following is a summary of the regulation. It follows the sequence of the regulation itself; the number contained in brackets at the end of each summary paragraph refers to the section of the regulation from which the information is derived.

Two definitions contained in the regulation are of importance to users of this summary:

Recipient: The "recipient" referred to throughout the summary is defined as "any public or private agency, institution, or organization, or other entity, or any person, to whom Federal financial assistance is extended directly or through another recipient and which operates an education program or activity which receives or benefits from such assistance." [§86.2(h)]

Federal financial assistance: Education agencies or institutions which receive any of the following are considered recipients of "Federal financial assistance" for purposes of Title IX:

- grants or loans from the Federal Government, including funds for:

  - acquisition, construction, or renovation of buildings or facilities;

  - scholarships, loans, grants, wages, or other funds extended for payment to or on behalf of students of the institution, whether paid to the institution or directly to students for payment to the institution.

- grants of Federal property

- provision of the services of Federal personnel

- any other contract, agreement, or arrangement which has as one of its purposes the provision of assistance to any education program or activity, except a contract of insurance or guaranty. [§86.2(g)]

Copies of the regulation have been supplied to all local education agencies and post-secondary institutions. Copies of the regulation may also be obtained from the Department of Health, Education, and Welfare, Washington, D.C. 20201.

TITLE IX—A SUMMARY OF THE IMPLEMENTING REGULATION

GENERAL PROVISIONS

Remedial action. In the event of a finding of sex discrimination by the Director of the Office for Civil Rights in an education program or activity of a Federally assisted institution or agency, the institution or agency may be required to take remedial action to overcome the effects of such discrimination. Such requirement would be specified by the Director. [§86.3(a)]

Affirmative action. In the absence of a finding of sex discrimination, a recipient education institution may take affirmative action to overcome the effects of conditions which resulted in limited participation by persons of a particular sex. [§86.3(b)]

Self-evaluation. Every education institution receiving Federal funds must, within one year of the effective date of the regulation:

- evaluate its policies and practices as to their compliance with the regulation;
- modify its policies and practices as necessary for compliance;
- take appropriate remedial steps to eliminate the effects of discrimination resulting from these policies and practices.

A description of any modifications and remedial actions taken must remain on file for at least three years following completion of the evaluation. [§86.3(c)]

Assurance required. Every application for Federal financial assistance for any education program or activity must as a condition of its approval, contain or be accompanied by an assurance form certifying compliance with the regulation. Forms will be supplied by the Office for Civil Rights, HEW. [§86.4]

Designation of responsible employee. Every recipient must designate at least one employee to coordinate compliance efforts and investigate any complaints of sex discrimination; all students and employees must be notified of the name, office address, and phone number of this employee. [§86.8(a)]

Grievance procedures. Every recipient must adopt and publish grievance procedures providing for resolution of student and employee complaints. (Utilization of these procedures is not a prerequisite for the filing of a complaint with the Office for Civil Rights, HEW.) [§86.9(a)]

Notification of policy. Recipients must take specific and continuing steps to notify applicants for admission, students, parents, employees, and all unions or professional organizations holding bargaining or professional agreements with the recipient of its compliance with Title IX. Initial notification was required by October 19, 1975. [§86.9(a)]

Publications. Recipients must include a policy statement of nondiscrimination on the basis of sex announcement, bulletin, catalog, application form, or other materials used in connection with the recruitment of students or employees. No publication should suggest, by text or illustration, that the recipient treats students, applicants, or employees differently on the basis of sex except as permitted by the regulation. [§86.9(b)]

COVERAGE

General. The regulation applies to every recipient and to each education program or activity operated by a recipient which receives or benefits from Federal financial assistance. (Information regarding judicial interpretation of this language is provided in the preamble to the regulation. In analogous cases regarding racial discrimination, courts have held that the education functions of a school district or college include any service, facility, activity, or program which it operates or sponsors, including athletics and other extracurricular activities. The Federal funds may be terminated upon a finding that "they are infected by a discriminatory environment.") [§86.11]

Exemptions from coverage include: educational institutions controlled by religious organizations, to the extent that compliance would not be consistent with religious tenets; military and merchant marine educational institutions; and social fraternities and sororities in post-secondary institutions, YM and YWCA's, Girl and Boy Scouts, Camp Fire Girls, and other voluntary youth service organizations. [§86.12, §86.13 and §86.14]

Coverage of the admissions provisions applies only to institutions of vocational education, professional education, graduate higher education, and public institutions of undergraduate higher education, other than those which have been traditionally and continually single sex. This does not include first-degree professional and vocational programs offered at private undergraduate institutions. [§86.15]

TREATMENT OF STUDENTS IN EDUCATION PROGRAMS AND ACTIVITIES

General. All education institutions or activities receiving Federal financial assistance are subject to these regulatory requirements, including those whose admissions are exempt from coverage. This portion of the regulation requires that:

> *no person shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any academic, extracurricular, research, occupational training or any other education program or activity operated by a recipient.* [§86.31(a)]

It specifically provides that recipient institutions may not, on the basis of sex:

- provide different aid, benefits, or services;
- deny any person such aid, benefit, or service;
- subject any person to separate or different rules of behavior, sanctions, or other treatment;
- discriminate against any person in the application of any rules of appearance;
- apply any rule concerning the domicile or residence of a student or applicant, including eligibility for in-state tuition;
- provide significant assistance (defined in the preamble to the Regulation as facilities or a faculty sponsor) to any agency, organization, or person which discriminates on the basis of sex in providing any aid, benefits, or service to students or employees;
- limit any person in the enjoyment of any right, privilege, advantage, or opportunity. [§86.31(b)]

Assistance administered by an institution for study abroad. A recipient institution may administer awards established by foreign or domestic legal instruments restricted to members of one sex which are designed to provide opportunities for study abroad provided the institution otherwise makes available reasonable opportunities for members of the other sex. [§86.31(c)]

Programs not operated by recipients. A recipient institution may not facilitate, require, permit, or consider as part of an activity or program it operates, participation by any applicant, student, or employee in a program not operated by the recipient which discriminates on the basis of sex. This includes participation in educational consortia and cooperative employment and student teaching assignments. [§86.31(d)]

Housing. A recipient may not, on the basis of sex, apply different rules or regulations, impose different fees or requirements, or offer different services or benefits related to housing. A recipient may provide separate housing on the basis of sex, provided that housing provided for students of one sex, when compared to that provided to students of the other, is as a whole proportionate in quantity to the number of students of that sex applying and comparable in quality and cost to the student. [§86.32(a)(b)]

A recipient which assists any agency or person in making housing available to its students must take reasonable action to assure itself that housing provided is proportionate in quantity

ADMISSIONS

The regulation requires that no person may, on the basis of sex, be denied admission or be subject to discrimination in admission by any recipient subject to the admissions provisions of Title IX. Specifically prohibited are:

- ranking applicants separately on the basis of sex;
- applying numerical limitations on the number or proportion of either sex who may be admitted;
- treating one individual differently from another on the basis of sex;
- administering any test or criterion for admission which has a disproportionately adverse effect on members of one sex unless such test or criterion is shown to validly predict success in the education program or activity and alternative tests are not available;
- applying any rule concerning the actual or potential parental, marital, or family status of a student whch treats persons differently on the basis of sex;
- discriminating against or excluding any person on the basis of pregnancy or related conditions (these must be treated as any other temporary disability);
- making pre-admission inquiry as to the marital status of an applicant. [§86.21(a), (b), (c)]

Discrimination in the recruitment of applicants for admission is also prohibited:

- preference may not be given nor may applicants for admission be recruited on the basis of attendance at an educational institution which is predominantly single sex unless the pool of applicants eligible for such preferences includes roughly equivalent numbers of males and females [§86.22];
- a recipient may not discriminate on the basis of sex in the recruitment of students unless additional recruitment efforts for members of one sex are undertaken as remedial or affirmative action. [§86.23(a)]

- apply any rule concerning eligibility for such assistance which treats persons of one sex differently from persons of the other with regard to marital or parental status;

- assist, through solicitation, listing, approval, or provision of facilities or services, any agency or person which provides assistance to a recipient's students in a manner which discriminates on the basis of sex. [§86.37(a)]

Recipients may administer financial assistance established by domestic or foreign instruments which require that awards be made to members of a specified sex provided that the overall effect of the awarding of such sex-restricted funds does not discriminate on the basis of sex. To ensure such nondiscriminatory effect:

- students must be selected for awards of financial assistance on the basis of nondiscriminatory criteria;

- an appropriate sex-restricted award should be allocated to each student selected;

- no student may be denied the award for which he or she was selected because of the absence of financial assistance designed for a member of that student's sex. (According to the preamble of the regulation, if there are insufficient sources of financial aid designated for members of a particular sex to provide funds for students of that sex selected, the institution is required to obtain the necessary funds from other sources or to award less assistance from the sex-restricted sources.) [§86.37(b)]

If a recipient awards athletic scholarships, it must provide reasonable opportunities for such awards for members of each sex in proportion to the number of students of each sex participating in interscholastic or intercollegiate athletics. Separate athletic scholarships for members of each sex may be provided as part of separate athletic teams for members of each sex to the extent consistent with the portion of the regulation dealing with athletics. [§86.37(c)]

Employment assistance to students. A recipient institution which assists any agency or person in making employment available to its students must assure itself that employment is made available without discrimination; it may render no services or assistance to agencies or individuals which discriminate on the basis of sex in employment practices. [§86.38]

Health and insurance benefits and services. Institutions may not discriminate on the basis of sex in providing medical, hospital accident, or life insurance benefits, services, policies, or plans to any students. This does not prohibit a recipient from providing any benefit or service which may be used by a different proportion of students of one sex than of the other, including family planning services. Any recipient which provides full coverage health services must provide gynecological care. [§86.39]

Marital or parental status. A recipient may not apply any rule concerning a student's actual or potential parental, family, or marital status which treats students differently on the basis of sex. [§86.40(a)]

No student may be discriminated against or excluded from an education program or activity (including any class or extracurricular activity) on the basis of pregnancy or related conditions unless the student requests voluntarily to participate in a separate portion of the program or activity. [§86.40(b)]

and comparable in quality and cost to students of both sexes. A recipient may not, on the basis of sex, administer different policies or practices concerning occupancy by its students of housing other than provided by the recipient. [§86.32(c)]

Facilities. A recipient may provide separate toilet, locker room, and shower facilities on the basis of sex; those provided for one sex must be comparable to those provided for the other. [§86.33]

Course offerings. Course offerings or other education activities may not be provided separately on the basis of sex, nor may participation therein be refused or required on such basis. Included are health, physical education, industrial, business, vocational, technical, home economics, music, and adult education courses. [§86.34]

- With respect to physical education courses, institutions must comply with this requirement as expeditiously as possible but in no event later than one year from the effective date of the regulation at the elementary level and three years from the effective date of the secondary and post-secondary levels. Students may be grouped by ability in physical education classes and activities as long as ability is assessed by objective standards developed and applied without regard to sex. Students may be separated by sex within physical education classes during participation in contact sports. [§86.34(a)(b)(c)]

- Portions of classes in elementary and secondary schools which deal exclusively with human sexuality may be conducted separately for males and females. [§86.34(e)]

- Recipient institutions may make requirements based on vocal range or quality which result in choruses of one or predominantly one sex. [§86.34(f)]

Schools of vocational education. A local education agency may not, on the basis of sex, exclude any person from admission to any institution of vocational education or any other school or educational unit it operates unless it otherwise makes available to such person, pursuant to the same policies and criteria of admission, courses, services, and facilities comparable to each course, service and facility offered in or through such schools. [§86.35]

Counseling and counseling materials. Institutions may not discriminate against any person on the basis of sex in the counseling or guidance of students or applicants. [§86.36(a)]

- Recipients may not use different materials for students on the basis of sex or use materials which permit or require differential treatment of students on such basis unless such materials cover the same occupations and interest areas and their use is shown to be essential to eliminate sex bias. Recipients must develop and use internal procedures for ensuring that counseling materials do not so discriminate. [§86.36(b)]

- Where a recipient finds that a particular class or course of study contains a substantially disproportionate number of individuals of one sex, the recipient must take such action as is necessary to assure itself that this disproportion is not the result of sex discrimination by counselors or in counseling materials. [§86.36(c)]

Financial assistance. Recipients may not, on the basis of sex:

- provide different amounts or types of financial assistance, limit eligibility for such assistance, or apply different criteria;

- A recipient may require a pregnant student to obtain a physician's certification of her physical and emotional ability for normal participation in the education program or activity if such certification is required of all students for other physical or emotional conditions requiring the attention of a physician.

- A recipient which operates a portion of its education program separately for pregnant students, admission to which is voluntary, must ensure that this program is comparable to the program offered to nonpregnant students.

- A recipient must treat pregnancy and related conditions in the same manner and under the same policy as any other temporary disability with respect to any medical or hospital benefit, service, or policy in which such recipient participates with respect to students. If there is no leave policy maintained for students, pregnancy and related conditions must be treated as justification for a leave of absence, after which a student shall be reinstated to the status she held before the leave began. [§86.40(b)]

Athletics. The general requirement of this section is that:

no person shall, on the basis of sex, be excluded from participation in, be denied the benefits of, be treated differently from another person or otherwise be discriminated against in any interscholastic, intercollegiate, club or intramural athletics offered by a recipient, and no recipient shall provide athletics separately on such basis. [§86.41(a)]

Separate teams may, however, be operated for members of each sex where:

- selection for such teams is based upon competitive skill; or

- the activity involved is a contact sport.

Where a recipient operates or sponsors a team in a particular sport for members of one sex but operates no such team for members of the other, and athletic opportunities for members of that sex have previously been limited, members of the excluded sex must be allowed to try out for the team offered unless the sport involved is a contact sport (boxing, wrestling, rugby, ice hockey, football, basketball, and other sports the major activity of which involves bodily contact). [§86.41(b)]

Equal opportunity for members of both sexes must be provided in interscholastic, intercollegiate, club, or intramural athletics operated or sponsored by a recipient. In assessing the availability of equal opportunity, HEW will consider, among other factors:

- whether the selection of sports and levels of competition effectively accommodate the interests and abilities of members of both sexes;

- provision of equipment and supplies;

- scheduling of games and practice time;

- travel and per diem allowance;

- opportunity to receive coaching and academic tutoring;

- assignment and compensation of coaches;

- provision of locker rooms, practice and competitive facilities;
- provision of housing and dining facilities and services;
- publicity.

Unequal aggregate expenditures for members of each sex or for male and female teams will not constitute noncompliance, but HEW may consider the failure to provide necessary funds for teams for one sex in assessing equality of opportunity. [§86.41(c)]

All recipient institutions must comply as expeditiously as possible; elementary schools must be in full compliance with this section within one year from the effective date of the regulation, secondary and post-secondary schools within three years. [§86.41(d)]

Textbooks and curricular materials. Nothing in the regulation requires or prohibits the use of particular textbooks or curricular materials. [§86.42]

Recruitment. A recipient may not discriminate on the basis of sex in the recruitment and hiring of employees. When a recipient is found to be presently discriminating on the basis of sex (or to have so discriminated in the past), it will recruit members of the sex so discriminated against so as to overcome the effects of past or present discrimination. A recipient may not recruit primarily at entities which furnish as applicants predominantly members of one sex [§86.53]

Compensation. A recipient may not, on the basis of sex, make distinctions in rates of pay or other compensation which result in the payment of wages to employees of one sex at a rate less than that paid to employees of the other sex for equal work on jobs the performance of which requires equal skill, effort and responsibility and which are performed under similar working conditions. [§86.54]

Job classification. A recipient may not:

- classify a job as being for males or females;
- maintain separate lines of progression, seniority lists, career ladders, or tenure systems based on sex;
- maintain separate lines of progression, etc., which classify persons on the basis of sex unless sex is a *bona fide* occupational qualification for the positions in question. [§86.55]

Fringe Benefits. Under this regulation, fringe benefits means any medical, hospital, accident, life insurance, or retirement benefit, service, policy, or plan, any profit-sharing or bonus plan, leave, and any other benefit or service of employment. A recipient shall not:

- discriminate on the basis of sex with regard to making fringe benefits available to employees, or make fringe benefits available to spouses, families, or dependents of employees differently upon the basis of the employee's sex;
- administer, operate, offer, or participate in a fringe benefit plan which does not provide *either* for equal periodic benefits or equal recipient contributions to the plan for members of each sex;
- participate in a pension or retirement plan which establishes different optional or compulsory retirement ages based on sex or which otherwise discriminates on such basis. [§86.57 (a)(b)]

Marital or parental status. A recipient may not:

- take any employment action concerning the potential marital, parental, or family status of an employee or applicant which treats persons differently on the basis of sex; or
- which is based upon whether an employee or applicant is the head of household or principal wage earner. [§86.56(a)]

Pregnancy. A recipient may not discriminate against or exclude from any employee or applicant on the basis of pregnancy or related conditions. Pregnancy and all related conditions must be treated as any other temporary disability for all job related purposes, including commencement, duration, and extensions of leave, payment of disability income, accrual of seniority and reinstatement, and under any fringe benefits offered to employees. If a recipient does not

EMPLOYMENT

General. All education institutions receiving Federal financial assistance must comply with the employment provisions of the regulation. In general, the regulation prohibits:

- exclusion from participation in, denial of the benefits of, or subjection to discrimination on the basis of sex of any person in employment, or recruitment, consideration, or selection thereof, whether full or part-time;
- the limitation, segregation, or classification of applicants or employees in any way which could adversely affect any employment opportunities or status because of sex;
- entrance by a recipient into any contractual or other relationship which directly or indirectly has the effect of subjecting employees or students to sex discrimination, including relationships with employment and referral agencies, with labor unions, and with organizations providing or administering fringe benefits to employees of the recipient;
- the granting of preferences to applicants for employment on the basis of attendance at a single sex educational institution, unless the numbers of each sex eligible for such preference are roughly equivalent. [§86.51(a)]

Specifically, discrimination is prohibited in:

- recruitment, advertising, and the process of application for employment;
- hiring, upgrading, promotion, tenure, demotion, transfer, layoff, termination, application of nepotism policies, right of return from layoff, and rehiring;
- rates of pay or any other form of compensation;
- job assignments, classifications, and structure, including position descriptions, lines of progression, and seniority lists;
- the terms of any collective bargaining agreement;
- granting and return from leaves of absence, leave for pregnancy and related conditions, leave for persons of either sex to care for children or dependents;
- fringe benefits;
- selection and financial support for training, including apprenticeship, professional meetings, conferences, and other related activities, selection for tuition assistance, sabbaticals and leaves of absence to pursue training;
- employer-sponsored activities, including social or recreational programs;
- any other term, condition, or privilege of employment [§86.51(b)]

Employment criteria. A recipient may not administer any test or other criterion for employment opportunity which has a disproportionately adverse effect on persons on the basis of sex unless it is shown to validly predict successful performance in the position in question and alternative tests or criteria are not available. [§86.52]

maintain a leave policy for its employees, pregnancy and related conditions must be treated as a justification for a leave of absence without pay for a reasonable period of time, at the conclusion of which the employee shall be reinstated to the status which she held when the leave began, or to a comparable position, without decrease in rate of compensation or loss of promotional opportunities. [§86.57(b)(c)(d)]

Pre-employment inquiries. A recipient may not make pre-employment inquiry as to the marital status of an applicant for employment. A pre-employment inquiry as to applicant sex may be made, but only if such inquiry is made equally of applicants of both sexes and if the results of the inquiry are not used to discriminate. [§86.60(a)(b)]

Sex as a *bona fide* occupational qualification. Recipients may make employment decisions prohibited by the regulation provided they can demonstrate that sex is a *bona fide* occupational qualification which is essential for carrying out job responsibilities. Such action cannot be based on alleged characteristics or stereotyped characterizations of one or the other sex, or on preference based on sex of the recipient, employees, students, or other persons. This does not prevent consideration of an employee's sex in relation to employment in a locker room or toilet facility used only by members of one sex. [§86.61]

Note: Title IX coverage of employment practices has been at issue in the recent case of *Romeo Community Schools v. U.S. Department of Health, Education, and Welfare.* In this case, the Romeo, Michigan Community Schools sought to stop HEW from enforcing the Title IX regulation provisions regarding employee pregnancy and maternity leave. Although the opinion issued by U.S. District Judge Feikens in April 1977 concluded that Title IX was not intended to reach any of the employment practices of recipients, the judgment entered in May 1977 to implement the opinion declared invalid only that section of the Title IX regulation dealing with the marital and parental status (including pregnancy) of employees. Furthermore, the Office for Civil Rights has announced its decision to continue enforcement of Title IX regulatory requirements related to employment (including those related to pregnancy) as usual outside the jurisdiction of the U.S. District Court for the Eastern District of Michigan and to appeal the decision by Judge Feikens.

ENFORCEMENT PROCEDURES

Pending HEW's final issuance of a consolidated procedural regulation applicable to Title IX and other civil rights legislation administered by the Department, the procedures applicable to enforcement of Title VI of the Civil Rights Act of 1964 will be used to implement the regulation under Title IX. Under these existing procedures, complaints alleging violations of Title IX may be filed by letter to the Office for Civil Rights, Department of Health, Education, and Welfare, Washington, D.C. 20201 or to the appropriate Regional Office of the Department of HEW.

APPENDIX

C

WHAT TITLE IX MEANS-- AND DOESN'T MEAN-- FOR SCHOOLS

Title IX is a regulation for women about athletics. No. Wrong. Negative. Incorrect.

But the popularity of the misconception is easily understood. Title IX is "about" sex discrimination in education, and because women demonstrably suffer the most from sex discrimination, they are most affected by Title IX (although the regulation itself does not mention the word "women"). And the reason for the disproportionate attention given to Title IX's impact on athletics (which is only one of several topics covered by the regulation) seems to be this: Sports have ascended to near cult status in some sectors of our society, so that any governmental attempt to modify this state of affairs is bound to upset some fans.

During the 13 months between June 1974 (when the initial Title IX regulation was proposed) and July 1975 (when the regulation went into effect), confusion descended upon school officials. But most school officials today, and especially those who are on schedule with their first-year compliance requirements, have the elements of Title IX in much sharper focus. Here are a few of the more controversial or confusing rounds of that 13-month debate over Title IX:

Athletics

Title IX does allow the formation of certain separate (restricted to members of one sex) teams; Title IX does not require equal expenditures for men's and women's sports programs. (Although many persons believe that equal opportunity in sports requires equal expenditures, H.E.W. did not interpret the regulation that way.) Probably the most rabid opposition to Title IX came from university sports officials, who saw millions of dollars in (man's) sports revenues threatened by the regulation. These sports officials did everything from resign in protest to meet with ex-football coach Gerald Ford when H.E.W. told them that the boys would have to let the girls play, too.

Textbooks

When H.E.W. refused (correctly, it seems) to regulate the content of textbooks (because of possible infringement on

the constitutional right of free press), Betty Friedan told a meeting of the National Organization for Women that H.E.W was "hiding behind the First Amendment" and that Title IX "ducks completely one of the most critical issues: the appalling antifemale bias presented in textbooks."

Limitations

In the summer of 1975, Congress tried some last minute finagling to reject Title IX in toto (on the grounds that H.E.W.'s implementation of the regulation went beyond Congress's original intent); to limit Title IX's coverage of athletics and physical education classes; amd to exempt university honorary and professional fraternities and sororities from Title IX. These efforts failed.

Exemptions

The limitations on Title IX that Congress did pass were included in the Bayh Amendment, which exempted membership of such "single-sex youth service-organizations" as the Girl and Boy Scouts, the Y.W.C.A. and Y.M.C.A., and the Campfire Girls (recreational youth groups such as Little League were not exempted). Also exempted under the Bayh Amendment were university-based social fraternities and sororities, and exempted under the original Title IX statute were military service training, certain institutions controlled by religious organizations (whose beliefs conflicted with Title IX compliance), and admissions policies for a certain, restricted type of educational institution.

Coverage

What Title IX does cover is sex discrimination in any education institution receiving federal funds, and the regulation addresses itself to: some general compliance and evaluation requirements; admission procedures; treatment of students after they are admitted to the school; employment practices; and enforcement procedures. Title IX includes a set of first-year requirements that must be met by July 21 of this year. The club used to encourage Title IX compliance is the federal government's weapon of choice: A threat of a cutoff of federal funds.

* From The American School Board Journal

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1978 - 1980 EDUCATIONAL PRIORITIES

AS ADOPTED BY THE COLORADO STATE BOARD OF EDUCATION

IMPROVEMENT OF BASIC SKILLS:

The Colorado Department of Education, through the accountability process and other proven methods, will help schools analyze and improve student skills in reading, writing, speaking, listening and mathematics.

IMPROVEMENT OF DISCIPLINE IN SCHOOLS:

The Department will assist schools to achieve a learning climate for improved student discipline to enhance the learning process.

IMPROVEMENT OF ORGANIZATION AND MANAGEMENT OF EDUCATION:

The Department will assist schools and libraries by coordinating and integrating state, local, and federal programs to strengthen their skills in research, evaluation, and planning, for effective use of financial and human resources.

IMPROVEMENT OF PUBLIC CONFIDENCE IN EDUCATION:

The Department will work with schools to improve public confidence in education through practical means including the state's accountability and accreditation processes and through increased involvement of the total community in the public school system.

IMPROVEMENT OF EQUALITY OF ACCESS TO INFORMATION:

The Department will identify and improve programs which assure equal access to information to help all Colorado citizens meet occupation, educational, and leisure time interests.

IMPROVEMENT OF LEADERSHIP AND STAFF DEVELOPMENT:

The Department will further efforts to strengthen leadership skills of all professional staffs in the Department of Education, schools, boards of cooperative services, and libraries and library systems through increased inservice programs planned and offered cooperatively with higher education and other appropriate organizations.

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